

STATE OF RHODE ISLAND

TOWN OF EAST GREENWICH - PLANNING BOARD

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PROCEEDINGS AT HEARING IN RE:

**COMPREHENSIVE PERMIT - MASTER PLAN REVIEW
PUBLIC HEARING:**

Division Road Neighborhood, LLC

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April 19, 2023 7:00 P.M.

Town Hall

125 Main Street

East Greenwich, RI 02818

BEFORE: BENJAMIN LUPOVITZ, CHAIRMAN

MATTHEW RENNINGER

MATTHEW YODER

ANDREW SHARTENBERG

TARA WOOD

APPEARANCES:

FOR THE
PLANNING BOARD **ANDREW M. TEITZ, ESQUIRE**
TOWN SOLICITOR

FOR THE
APPLICANT
. **WILLIAM R. LANDRY, ESQUIRE**

ALSO PRESENT:

ALBERT RANALDI, JR., PLANNING DIRECTOR

CHRISTINA MARSEGLIA, PLANNING TECHNICIAN

ANDREW NOTA, TOWN MANAGER

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(show-of-hands/voice vote)	
(approved)	

1 PROCEEDINGS AT HEARING IN RE:

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4 **Division Road Neighborhood, LLC**

5 **CHAIRMAN LUPOVITZ:** So the next
6 agenda item is the main event this evening. We have
7 a comprehensive permit, master plan review, and
8 public hearing for the Division Road Neighborhood.
9 Comprehensive permit project for property located at
10 Division Road, Map 67, AP 13, Lots 35 and 53.
11 Applicant being Division Road Neighborhood, LLC.

12 Do we have somebody here this evening to
13 represent the Applicant?

14 **MR. LANDRY:** I am, Mr. Chairman.
15 William Landry, Blish & Cavanagh, 30 Exchange
16 Terrace, Providence, Rhode Island.

17 **CHAIRMAN LUPOVITZ:** Welcome,
18 Mr. Landry, to this meeting hall once again.

19 Would you like to have any opening statements
20 or presentation to the board in attendance this
21 evening?

22 **MR. LANDRY:** Yes, I would. Thank
23 you, Mr. Chair.

24 It's been a while since we were here back in

1 June. I expect that there are people here who were
2 not at that meeting. I don't want to be redundant
3 to the presentation we made at that time, but I
4 think it would be useful just to provide some basic
5 facts about the project without reiterating
6 everything that was done there. I'll do that in a
7 moment.

8 We also have four witnesses tonight, and in
9 this order. Jeremy Lake is from Union Studio. He
10 and Don Powers are the project architects. They
11 conceived the design for this development. When we
12 presented back in June, we were asked to do a brief
13 overview of the project and to give the abutters and
14 neighborhood residents a chance to voice their
15 concerns so that they could be taken into
16 consideration during future meetings and during
17 the Technical Review Committee process.

18 So our presentation was brief, and we really
19 didn't present any witnesses. We submitted a lot of
20 documents but no witnesses. So I want to take some
21 time tonight to go through the project and the
22 project -- the important parts of the project plan
23 with the architect first.

24 And then the engineer, Nicole Reilly, from

1 DiPrete Engineering, will address really the
2 important, the real core engineering issues that
3 present themselves at this stage of the application
4 process.

5 We also have Mr. Robert Clinton of VHB, who
6 is our traffic expert. He has prepared a series of
7 traffic impact reports and access reports since --
8 2020, actually, was the first one. And he's been
9 working with the town's peer-review traffic
10 consultant, Anna Novo of Caputo & Wick, and he's
11 going to present the traffic impact of the project.
12 I know that's an issue that's of interest to a lot
13 of people.

14 And then we also have Joe Lombardo. Joe is a
15 veteran Rhode Island planner. He's going to address
16 some of the key planning issues; in particular, how
17 the project conforms to the overarching standard of
18 the Low and Moderate Income Housing Act, which is
19 consistent with the local affordable housing plan,
20 which is incorporated into the Town's comprehensive
21 plan.

22 The site, again, is an 82-acre site in the
23 northwest quadrant of the town. North of the site
24 is 95, borders at 95, no abutters there. West of

1 the site is West Greenwich. And our neighbor, very,
2 very close to us, just a few feet away, is the
3 Cedar Ridge Condominiums and the owners of the
4 condominiums there.

5 The property has only a half an acre of
6 wetlands. The wetlands are situated north and
7 central of the site, and they've been incorporated
8 into a park area that has been designed. There's,
9 obviously, no proposal to disturb those wetlands.

10 The concept for the development is a mixed
11 residential use development, consistent with the
12 comprehensive plan and the affordable housing plan.
13 It's conceived as a walkable development, a unit
14 unto itself, in which all of the Town's desperate
15 housing-needs' populations will be served. We have
16 rental housing; we have for sale housing.

17 There are four different unit types of
18 residential housing: Single family, multi-family,
19 duplex units, different styles of units, and we have
20 multi-family housing, a 136-unit area of
21 multi-family units that are rentals. And we also
22 have another 72 units of manor houses which are
23 between large family and single family. A diverse
24 representation of housing types.

1 We are proceeding tonight under the
2 provisions of the Low and Moderate Income Housing
3 Act. Based on comments we've heard and seen and
4 reviewed, there is a perception in some quarters
5 that this is a low income project that we're
6 proposing here; and that's really not accurate. I
7 know the board knows that. But I think there are
8 members of the public who might benefit from
9 learning that the Low and Moderate Income Housing
10 Act is really, in this instance, for moderate income
11 families.

12 And these are working families who can secure
13 mortgages for the for sale units and can pay a
14 reasonable rental rate for the rental units. But
15 they're working people, by and large, or retired
16 people; and they are people who are in
17 120 percent or less of the area median income.
18 And that's an area median income that's specific
19 to East Greenwich.

20 So that number, it's a shifting number based
21 on interest rates, but these are households that are
22 below the 70- and \$80,000-a-year range. For the
23 rentals, it's 80 percent of area median or less, and
24 the income limits of the households can be a little

1 less than that. But 25 percent of the households
2 in this development will consist of low or moderate
3 folks.

4 The units are virtually indistinguishable.
5 It's a requirement of the Act that the units,
6 occupied by persons who may be of low or moderate
7 income, have to look the same, at least externally,
8 as the units occupied by people with higher incomes
9 and that are sold at market rates.

10 So the idea here was to do a very
11 high-quality, neo-traditional development, something
12 that's a little different than the average
13 development, in that it doesn't feature cul-de-sacs
14 and front-loaded garage doors everywhere. Instead,
15 we've got front porches and streets that don't have
16 garage doors on them. The garage doors are
17 back-loaded, and there are different ways to access
18 the houses so that it creates more of an integrated,
19 cohesive neighborhood.

20 Union Studio has been at this for a long
21 time. I'll have them describe the concept
22 themselves. You've seen their work product here
23 in town. It's generally very highly regarded.
24 We were asked by the Town, by the Town Planner in

1 particular, at the time, Lisa Bourbonnais, not to do
2 a conventional, attached, dwelling-type development
3 here.

4 High density is called for in this zone under
5 the comprehensive plan. There are a lot of ways to
6 do high density. And the way we do it, we were
7 asked to do it -- and this means no disrespect to
8 our neighbors at Cedar Ridge -- was to not do a
9 Cedar Ridge type development, but something that's
10 done well nationally and other places under the
11 neo-traditional concept, that the Union Studio folks
12 will describe to you a little more completely.

13 The big issue here, the most important issue
14 for the board to decide is the consistency of the
15 project with the Town's affordable housing plan,
16 which is part of the Town's comprehensive plan.
17 That's the key thing under the Act. And each city
18 and town, back in 2004, was asked to develop its own
19 plan as to how and where it would like to produce
20 higher-density housing that would be suitable
21 filling the Town's affordable housing objectives and
22 housing objectives generally.

23 And many towns identified specific tracts
24 that were targeted for high-density development,

1 usually because they have access to public water and
2 sewer, good roads, and lent themselves to that type
3 of housing in a way that most of the municipality
4 doesn't.

5 And in this case, the Town of East Greenwich,
6 through its council, developed, as part of the
7 comprehensive plan, which is an ordinance, a plan
8 that identified this particular project, this
9 particular property by name and plat and lot number
10 and acreage, and designated it as an area that would
11 no longer be F-2 zoning, the lowest density
12 single-family zone that we have in our ordinance
13 here in East Greenwich.

14 Instead, it would be a high-density area with
15 densities ranging between 12 and 20 units per acre,
16 and in which multi-family housing would be permitted
17 by right. It's a zone in which commercial
18 development would also be permitted; but if there is
19 commercial development, there has to be multi-family
20 development above it. And that was specifically
21 required by the comprehensive plan provisions that
22 deal with this property.

23 The comprehensive plan describes that it
24 looked at these properties and looked at various

1 parameters of developable -- developability and
2 assigned to them target densities for high-density
3 development. Again, the ones selected here were
4 between 12 and 16 -- I'm sorry, 12 and 20 units per
5 acre.

6 If you take the mid range of that, somewhere
7 around 16 units per acre, it would provide for about
8 880 residential units on this property, in addition
9 to whatever commercial component the Town might or
10 might not desire on the property. We didn't design
11 a project with 880 units. My client is a design
12 person by career. He believes in design, and he
13 believes in a community that everyone can be proud
14 of and was not looking to max this property out, not
15 even anywhere near that.

16 And I will tell you, there were many suitors,
17 and remain many suitors, that would like to trade
18 places and come here with a design that's more like
19 what the comprehensive plan calls for in terms of
20 density. But when we started this process, almost
21 two years ago, we met specifically with the Town to
22 talk about what the Town's priorities were and what
23 its real vision was for this area, this particular
24 area. And Miss Bourbonnais, who is no longer here,

1 but she presided over the earlier hearing process,
2 the pre-application, pre pre-application process.
3 We were here for some waivers at the beginning of
4 the project before it started at the master plan
5 public informational meeting.

6 And we also met with Town Manager, Mr. Duarte
7 at the time; and they were both clear they did not
8 think that commercial would fit into that area and
9 were not likely to require that and thought that
10 that would have too adverse an impact and was too
11 different than what was there now. But the message
12 also was, let's be reasonable with the density; and
13 that came from us before it came from them.

14 So we've got a development that's about half
15 of what density this is drawn up for. It doesn't
16 have big buildings like the new ones on South County
17 Trail that are apartments. Again, it's got this mix
18 of single-family and multi-family and a lot of park
19 amenities and open-space amenities that you'll hear
20 more about shortly.

21 The number is 410 units. The comprehensive
22 plan requires 20 percent of the units to be
23 affordable. We're proposing 25 percent of the
24 units, which is the amount required under the state

1 Low and Moderate Income Housing Act. So there would
2 be 103 affordable income, low and moderate income,
3 deed-restricted units. And every housing type will
4 have 25 percent of the units consisting of low or
5 moderate income units.

6 **AUDIENCE:** I'm getting messages
7 from Zoom people that they cannot hear.

8 **MR. LANDRY:** I'll try to do
9 better. Thank you for letting me know.

10 Every unit type will have 25 percent low or
11 moderate income representation. The most expensive,
12 the biggest units, and the smallest units, every
13 unit type will share that proportion. And also the
14 affordables will be built at the same time as the
15 market rate units; so that, generally speaking, one
16 out of every four units that's constructed will be
17 an affordable unit. So not waiting until the end
18 and just do the affordables at that time.

19 So those are the real basic parameters of the
20 development. I did commit last June, at the first
21 session of this public informational meeting, to
22 keep track of the questions that people asked from
23 the public and to come up with answers to those
24 questions at the next session of the public

1 informational meeting; and that's what we're doing
2 tonight.

3 We took those questions in. And since that
4 public informational meeting, we've worked with the
5 Technical Review Committee of the Town, Fire
6 officials, Public Works Director, Town Manager,
7 Planning staff, and others from time to time, to
8 work through a number of issues on this project and
9 come to a revised version of the project based on
10 the input that was presented during those sessions.
11 But we did provide answers to those questions from
12 last time in writing a week or two ago that were
13 loaded onto the Town's website.

14 Although there may be people here that may
15 not even be aware that their questions were asked,
16 much less answered. So at some point tonight, if
17 you'd like me to, I'd like to go through those
18 questions and answers, maybe, you know, certainly
19 before we're finished, before the public portion
20 starts, because it may be that we can answer
21 somebody's question before they ask it again. And
22 it might make the public portion of this a little
23 bit more efficient. So I could do that now.

24 I'm thinking that we might just want to get

1 into the project presentation now, hear from the
2 four individuals that I've described, and give
3 everybody a much deeper foundation of the project
4 generally; and then cover these specific questions,
5 to the extent they weren't already covered in those
6 presentations.

7 So with that, unless there are any questions
8 of me, I'd like to ask Mr. Lake to make his
9 presentation.

10 **CHAIRMAN LUPOVITZ:** Thank you. I
11 just ask that, when you're finished going through
12 the witnesses, just remind me again that you'd like
13 to get into the Q & A, and we'll allow time for
14 that.

15 **MR. LANDRY:** Thank you.

16 Now, I handed out some exhibits tonight, and
17 I've provided a copy to Mr. Ranaldi, as well as an
18 electronic copy; and I'll be referring to those from
19 time to time. They're in two volumes. They
20 included the Union Studio project plans, the
21 DiPrete Engineering project plans, resumes for each
22 of the experts that are going to testify, Mr. Lake,
23 Miss Reilly, Mr. Clinton, and Mr. Lombardo. And the
24 plans themselves have been loaded electronically so

1 that we're able to look at different sheets from the
2 plans there. But you'll also have paper copies of
3 them in this Volume I of those exhibits.

4 Volume II, in addition to the Town of
5 Coventry sewer letter, all of the other documents
6 are traffic related. Volume II is really an awful
7 lot of material. You've seen traffic reports
8 before, and you know that two-thirds of the reports
9 are statistical information that was developed from
10 traffic testing and speed testing and vehicle
11 counts; and, you know, they're sort of bulky. But
12 we're certainly not going to go through all of them
13 in intimate detail.

14 But I did want to at least have the different
15 traffic reports from our Mr. Clinton and also from
16 Anna Novo, the Town's peer-review consultant. They
17 went back and forth and wound up on the same page on
18 the traffic issues as part of the last iteration of
19 traffic reports. Mr. Clinton will take you through
20 that and have the reports in hard copy.

21 Mr. Lake, please.

22 **CHAIRMAN LUPOVITZ:** Just a comment.
23 Mr. Landry, I'm assuming you're presenting these
24 witnesses as experts?

1 **MR. LANDRY:** Yes, I am, Mr. Chair.
2 I don't always ask that the board formally accept
3 witnesses like that; that's more of a style. I'll
4 have them spend a little bit of time describing
5 their background, and we provided their resumes.
6 And I'll be surprised if you haven't seen them all
7 before. But they are all being presented as expert
8 witnesses, yes.

9 **CHAIRMAN LUPOVITZ:** Understood.

10 So I would just comment to the witnesses,
11 just go right into your resumes after you've been
12 sworn in, indicate your professional credentials for
13 the board. And if the board has any questions with
14 regard to those credentials, we'll ask the questions
15 at that time. Thank you.

16 **MR. LANDRY:** Thank you.

17 **JEREMY R. LAKE**

18 **(HAVING BEEN DULY SWORN)**

19 **CHAIRMAN LUPOVITZ:** Welcome,
20 Mr. Lake. Would you like to share with us your
21 credentials, please.

22 **MR. LAKE:** Absolutely. So I'm
23 Jeremy Lake. I'm a registered architect working at
24 Union Studio Architecture & Community Design. We're

1 based in Providence, but I'm a proud East Greenwich
2 resident. I've been working on these sorts of
3 projects for 20 years now, and I'm here tonight to
4 present our vision. Can we switch to the other
5 package?

6 (SLIDES BEING SHOWN ON SCREEN)

7 MR. LANDRY: Mr. Lake, just for
8 the record, your resume is part of the exhibit,
9 Volume I, Exhibit No. 3, and that more specifically
10 describes the types of projects you've been involved
11 in.

12 (MR. LAKE NODDING)

13 MR. LANDRY: Is it fair to say
14 that --

15 MR. TEITZ: Hold it. You can't
16 shake your head. You've got to answer out loud.

17 MR. LAKE: Yes.

18 MR. TEITZ: And lean -- pull the
19 mic up. You've got to be talking close into the mic
20 so everybody can hear you at home too. Thank you.

21 MR. LANDRY: Just take a couple
22 minutes, Mr. Lake, to describe the types of similar
23 projects you've worked on to this one and how long
24 you've been doing that.

1 **MR. LAKE:** So, as I mentioned,
2 I've been in this field for 20 years now, 10 of
3 those years have been with Union Studio. We work on
4 a variety of projects from 6 units up to 800 units
5 of this nature, so what we call traditional
6 neighborhood development, a real emphasis on
7 placemaking, common green space, walkable
8 communities.

9 **MR. LANDRY:** Now, for those on the
10 board who care to follow with paper copies of what's
11 being presented, Mr. Lake's project plans, I think
12 they're 18 pages, are Exhibit No. 1 in Volume I.
13 And I'm just going to ask Mr. Lake to take us
14 through the later pages -- I think it's 15 to 18 or
15 so -- of the project plan and help us all understand
16 what the design, the core aspects of the design of
17 the project are, what was driving the project
18 design, and how was that reflected in the
19 architectural plans.

20 **MR. LAKE:** Certainly. And before
21 I pull up those plans, I just wanted to quickly
22 share a couple comments about our design approach.
23 Generally speaking, the strategies we're applying
24 here are based on the DNA of the Hill & Harbor

1 District here in East Greenwich. In plain speaking,
2 we call this traditional neighborhood design.
3 Essentially, it means creating a connected network
4 of reasonably-sized streets and blocks, featuring
5 sidewalks, on-street parking, shared community
6 space, and front porches on the homes. Basically,
7 the kind of neighborhood everybody likes
8 trick-or-treating in. It also includes a variety of
9 unit types and unit sizes that create a mixed income
10 community but also addresses a range of household
11 types and life stages.

12 I know Bill already spoke about that
13 25 percent of the homes will be affordable units,
14 but we think it's also worth emphasizing that the
15 other 75 percent of the homes that are being
16 proposed as market, as market units, will provide
17 unit types we desperately need in East Greenwich.
18 Currently in East Greenwich 72 percent of our
19 housing stock is single-family homes; and I bet the
20 majority of those are three-, four-, five-bedroom
21 homes attainable and sensible only to double-income
22 families with kids.

23 The median house price is \$670,000, which
24 requires a household income of at least \$185,000 a

1 year. What happens when your kids move out and you
2 want to downsize while staying in East Greenwich?
3 What happens when you're a young professional who
4 wants to move back to East Greenwich a few years
5 after graduating from college? We don't have enough
6 options for these sorts of households either, and
7 this project helps to create those opportunities.

8 **(SLIDES BEING SHOWN ON SCREEN)**

9 **MR. LAKE:** So with that said, I'll
10 jump into presenting some of the key plans in here.
11 I think Bill spoke to the context. But I do want
12 to just briefly mention, I think, probably from an
13 East Greenwich perspective, this feels like it's
14 out in the boondocks. If you look at a map of
15 East Greenwich, it's the farthest corner out. But
16 when you actually step back and look at the actual
17 context and blur those lines, as Bill pointed out,
18 we're adjacent to a similarly dense neighborhood
19 just over the line in West Greenwich; we are a
20 stone's throw from the exit off Interstate 95; and
21 the Centre of New England is just on the other side
22 of Interstate 95, providing lots of retail and job
23 opportunities. So I think it's important to
24 understand the site in its true context.

1 I will skip through some of these preliminary
2 diagrams. This is the plan of the neighborhood. As
3 I mentioned, the principals at play were trying to
4 create an interconnected series of streets and
5 walks. We do employ a variety of unit types. The
6 first of which are the 136 multi-family units. I
7 know they're a little bit cropped here on the
8 screen. But those are located up in this upper
9 portion of the site.

10 And I think it's worth noting that literally
11 a third of the units we're proposing are
12 consolidated in that one corner; and we're able to
13 do that because those happen to be in the smallest
14 units that we're proposing. But, again, the
15 intention was to site those sort of back where they
16 would be the furthest from the existing
17 single-family residences that are our neighbors.

18 In addition to those 136 multi-family units,
19 we also have a series of smaller, six-unit buildings
20 that we call manor houses. The idea there being
21 there are three units on the first floor, three
22 units on the second floor, and the building that's
23 the scale of our single-family home. So it's a way
24 of us incorporating some additional multi-family

1 units but in a format which is appropriate for what
2 is largely a single-family neighborhood. When you
3 combine those with the other multi-family units,
4 that's literally half of the units we're proposing
5 here, or really just those two types consolidated in
6 a couple of areas.

7 The remaining units are all a variety of
8 single-family house types we are proposing, the
9 smallest of which we are calling cottage lots; but
10 then there's also a step-up into some 40-foot,
11 rear-loaded lots; 50-foot, rear-loaded lots. The
12 majority of the units have their garages on the back
13 of the unit, access off the shared driveway. What's
14 great about that is it let's us have the front doors
15 of those homes accessed from a front porch which is
16 actually adjacent to the street. So as you're
17 walking around, what you're seeing are the front
18 doors of your neighbors, hopefully if you are on the
19 porch, hopefully fostering that sense of community.

20 We do have a couple of homes at the very
21 peripheral of the site, which is the
22 lightest-colored lots around the edges. There's 42
23 of those. And those are more conventional, what we
24 call a front-loaded lot, so you have your garage in

1 the front. Although, we tried to be clever about
2 making sure we did not exceed the presence of the
3 garage in those particular cases.

4 These are some diagrams of the different
5 house types, which I'm happy to talk about if you
6 want to get into some more detail. Importantly, we
7 also have a variety of street types, similar to the
8 variety of house types, to create a range of
9 experiences to address varying needs.

10 We have two primary access points in the
11 community, both are off of Division Road. One is at
12 the eastern end of the site and one at the western
13 end of the site. The majority of the middle site
14 are actually the adjacent single-family homes that
15 are our neighbors that are not something we can
16 control. So those are the two obvious points of
17 entry to the community.

18 Those entry points connect through the
19 orange, that becomes the green line, that finds its
20 way all the way through to the center of the
21 neighborhood and back out again. And the blue lines
22 are our secondary streets, our typically residential
23 streets, that connect most of the homes back to that
24 main way through town. And then, behind the units,

1 in the mid-block areas, we have shared drives. I
2 will try to briefly describe each of those.

3 At the project entry, we're proposing a
4 24-foot wide roadway, so that's a two-way road. It
5 is something we were asked to do, in our
6 conversations with the Town, and we agreed to do.
7 And then, when it comes out towards Division Road --
8 because we don't have many units actually out
9 towards Division Road -- we only have a sidewalk on
10 one side of the street proposed. We didn't bother
11 putting any off-street parking out in those areas.

12 Once you get a little ways into the
13 community, it transitions. We still have the same
14 24-foot wide roadway, but now we introduce parking
15 on either side of the street. Those are 8-foot,
16 6-inch parking lanes. Importantly, we included tree
17 strips between the roadway and the sidewalks; those
18 are proposed at 7 feet. And that's an important
19 device for not only creating shade for the
20 pedestrians and for the street, but they also
21 provide separation for the pedestrians from the
22 street, even though the expectation here is for
23 fairly low traffic speeds. This is an important
24 detail for making sure kids feel safer; they can

1 ride their bikes; people can go out for walks; walk
2 their dog, and feel like they have plenty of
3 separation from the road itself.

4 And we also show here the front porches. So,
5 again, the idea, these have reasonable setbacks; and
6 if you were hanging out on the porch, you'd be able
7 to say hello to your neighbors as they walk by.
8 Again, much like you'd experience walking around
9 here in the Hill & Harbor District.

10 **EXAMINATION BY MR. LANDRY**

11 **Q.** Now, before you go off that here, do I recall
12 correctly that fire safety was a big issue in the
13 Technical Review Committee process and that there
14 was a negotiation or healthy discussion with the
15 Fire Chief and the Fire Marshal about how wide the
16 various types of streets would be, what types of
17 clearance the Fire Department needed, and also how
18 large the parking spaces would be? Correct?

19 **A.** That is correct. So our original proposal
20 were 20-foot-wide streets, which does meet the
21 minimum requirements of the National Fire Protection
22 Act. But through our conversations with the Town,
23 they asked us to consider making them wider. As you
24 can see in our next slide, 22 feet is what we

1 typically propose. But for this main street, we
2 actually agreed going up to 24 feet. But that was
3 the parking, and this might be from a public street,
4 which is not the direction we're going in. It's
5 probably going to be private. We thought we would
6 still maintain those dimensions. But you're
7 correct, that all of this was vetted both with Fire
8 and also with the Town staff.

9 **Q.** And the result of that vetting was a
10 consensus with the Fire Marshal, the Fire Chief,
11 Public Works was involved, the Building Department,
12 what's reflected here, a revised set of plans that
13 were developed at the end of September, early
14 October at the end of this several-month process
15 where this was a heavily discussed issue. Correct?

16 **A.** That is correct.

17 **CHAIRMAN LUPOVITZ:** Once again, if
18 you can speak directly into the mic so that the
19 folks at home can hear what you're saying, and you
20 as well.

21 **A.** So in terms of the secondary streets, as I
22 mentioned, this is what the majority of the roadways
23 are. If you turn on the main street, we're
24 proposing a 22-foot-wide travel lane, parking only

1 on one side of the street, because the density
2 typically steps down when you get off the main
3 street, also 8-foot, 6-wide. We have tree strips
4 like the other streets; we have the sidewalks; we
5 have the front porches. So, again, largely, it's
6 just stepping down the scale of the street because
7 we thought that was appropriate from those
8 locations.

9 **Q.** Was there also a traffic-calming aspect to
10 that?

11 **A.** Yeah, generally speaking, the reason we tried
12 for narrower streets is to slow down the typical
13 travel speed of cars coming and going. It's also
14 useful for reducing the impervious areas. You don't
15 have to be concerned about things like stormwater,
16 et cetera. It certainly helps to reduce costs, but
17 the primary concern is safety. Really, it's a
18 pedestrian safety consideration. And the streets of
19 this widths are common.

20 If you were to walk around the Hill & Harbor,
21 the streets here are generally 20-feet wide, and
22 that's inclusive of the parking. And we understand
23 why the Fire Marshal and Amazon truck drivers, and a
24 number of other folks, swear as they go through some

1 of those areas, which is why we didn't propose the
2 parking within the 20 feet but in addition to. So
3 we're trying to be mindful of the realities of the
4 challenges that folks need to go through.

5 Then, quickly, these are the shared drives at
6 the back of the units. Again, these are primarily
7 only going to be utilized by those folks that live
8 on that particular block. We have two different
9 sections. Only because there are certain
10 requirements where it was required for us to get a
11 fire truck down there, we wanted to make sure we had
12 the full 25-foot requirement. The Fire Marshal is
13 comfortable with this approach.

14 We have a series of open spaces around the
15 neighborhood. The large -- which is that central
16 green in the middle. That location was determined
17 by the wetlands. That's kind of that dashed,
18 squiggly shape in the center of that green space.

19 But we really tried to think of that as the
20 heart of the community, even though it's shifted a
21 little bit north of center. But in addition to
22 that, we have a series of smaller spaces distributed
23 throughout. So I'll use my cursor. If you come in
24 off the western entry, the first one you come to is

1 a green space here that has a little shared
2 amenity -- some of our manor houses and units all
3 fronting on that space -- before you transition into
4 that larger green space. And as you come back along
5 the other access road, we've got green space,
6 similarly, just a little ways in from the entry.
7 And then you'll work your way through here where you
8 go down the street to other little, smaller greens
9 where we have cottages that were smaller units. We
10 actually set those back and created little cottages
11 here.

12 The idea was to make sure that pretty much
13 any unit within this community is a stone's throw to
14 one of those shared spaces. The intention of those
15 is to create spaces where the residents can gather
16 and kids can play, start to create points of
17 interest along the way, finding landmarks throughout
18 the neighborhood. So that was the intention there.

19 Q. And in order that we get a sense of scale,
20 is it correct that the large, central green there
21 to the west, that would be a community building
22 that would be sort of a gathering place near the
23 multi-family houses, that that's roughly the size
24 of the park in Providence associated with the

1 Roger Williams memorial off of North Main Street?

2 **A.** That's correct, it is roughly that same size.

3 **MR. LANDRY:** Thank you.

4 **A.** And I would also point out a number of these
5 smaller greens are actually pretty similar in size
6 to, you know, the green space behind Swift Gym, not
7 the baseball field, but if you go up the hill,
8 there's actually a nice, little green space that's
9 up there. That's kind of the idea of this, is a
10 place where people could, again, go out and gather
11 and do things; and that's the scale of those.

12 **Q.** Would you address the Heritage Trail feature.

13 **A.** Yes. So in the lower, right-hand corner, we
14 know there are a pair of historic cemeteries that
15 exist on the site. And in walking around out there,
16 we also found that there's an old stone foundation,
17 at least a couple squares, out here. We made sure
18 that we were well outside of those areas for the
19 development we were proposing. It's actually where
20 the majority of our stormwater wants to go. That's
21 the lowest point of the site, really kind of drains
22 down to that edge.

23 And what we've proposed is a trail that
24 actually goes through and connects those cemeteries

1 and that old stone foundation, working your way
2 around the stormwater areas and making several
3 connections back to the community. Really, those
4 become an amenity and feature so folks can go back
5 and appreciate the presence of those cemeteries.
6 Right now, you know, you might not even know they're
7 in there. They're buried pretty deep, and it's
8 pretty tough to access them.

9 That's part of the heritage of this
10 community. We think that's important to address. I
11 know there was a question about making sure. We did
12 an archeological study relative to this, and I
13 believe those are underway.

14 **MR. LANDRY:** Correct. We were
15 planning to do an archaeology study. The old stone
16 foundation, the cemeteries, there were two --
17 those were two areas that have been identified
18 by the Rhode Island Historic Presentation and
19 Heritage Commission as significant or important
20 sites, noteworthy sites. We would always do an
21 archaeological study at the master plan stage, and
22 that sometimes affects the number of units you have,
23 how far you have to stay or be kept away from them
24 completely. I don't think that's likely to happen.

1 But we were asked by the Planner to
2 accelerate that process so that it occurs within
3 this master plan stage of development. So we
4 engaged, during the TRC process toward the
5 conclusion, our client did engage
6 Public Archaeological Labs that is now in the
7 process of completing the archaeological study for
8 the entire site, particularly that area, and will
9 render a report. And they are about to pull permits
10 for excavation and other activity. It will take
11 several, two or three weeks, and then they'll
12 generate a report.

13 And I think most of the board members know
14 that, but these archaeological consultants actually
15 have a duty, as a part of their licensure, to be
16 neutral parties and not to be advocates for a
17 developer or for anybody, but to actually represent
18 the public in what they do. It's kind of an unusual
19 office that they hold. PAL does a lot of this, and
20 we've just given them unrestrained access to the
21 site and liberty to do their job here and inform us
22 all, or confirm that what we're proposing here is
23 an enhancement of these areas and certainly not
24 anything that would be detrimental.

1 (SLIDES BEING SHOWN ON SCREEN)

2 MR. LAKE: So I am just about
3 done. I just wanted to quickly share two
4 perspective views. First, in the upper, right-hand
5 corner here, there's this football-shaped space
6 that's fairly typical for some of these secondary
7 green spaces we're proposing. But this one is a
8 view of what that would look like if you were, you
9 know, in a hot air balloon floating over the project
10 site.

11 You can see one of our typical community
12 streets, you know, working its way through. You can
13 see the parking on one side of the street. You can
14 see the sidewalks working their way through. And
15 here you can see these series of homes that are
16 actually pulled back from the street that create
17 that football-shaped space. Six, single-family
18 homes here, each with a front porch looking out onto
19 that space. In addition, all the homes across the
20 street, some of these are front-loaded homes, where
21 they will have a driveway that comes in, but they
22 also have front porches that look out over this
23 green space.

24 This is also an example of an area where,

1 because some of these homes in the middle are a
2 little far from the road, this was one of those
3 conditions where the shared driveway in the back, it
4 was important that it serve as a fire access. That
5 was one of those details that we talked through with
6 the Fire Marshal, to make sure they were comfortable
7 with that, with that approach.

8 **CONTINUED Examination by Mr. Landry**

9 Q. Mr. Lake, did that discussion include
10 specific construction standards for the homes that
11 are appropriate, given the proximity of the homes to
12 each other?

13 A. Yes, all these homes will meet the
14 appropriate building and fire codes.

15 And one last view, which is just of a typical
16 residential street. And the point here being the
17 real objective of having these shared driveways in
18 back and pulling the garages off the street is that
19 the streets themselves become these wonderful places
20 to go for a walk; you approach homes from their
21 front doors.

22 Again, the traffic here will be minimal
23 because you will only be going down that street if
24 you are one of the folks living down that street.

1 So, again, it's just to create a really
2 pedestrian-friendly, walkable community. And
3 I think this image shows how we're trying to get
4 to that.

5 **Q.** Have you completed your slides?

6 **A.** Yes.

7 **Q.** If someone wanted to visit as a group, or if
8 the board wanted to visit as a group, to visit
9 another property that's been developed like this and
10 that is mature at this point and that represents
11 what can be expected of this development several
12 years down the road, is there a property that you
13 would suggest that meets that criteria?

14 **A.** You know, we have a project called
15 Warwick Grove. It's in Warwick, New York, so it
16 is three, four hours away. But it similarly has
17 a mix of single-family homes; it has some of these
18 smaller apartment types; it has community buildings,
19 community greens, networks of sidewalks. It's a
20 pretty good example, and it's almost, I think,
21 15 years old at this point. So the patina is there;
22 people have moved in; and you can see how it really
23 operates and works. And it's a really wonderful
24 place to walk around in.

1 **MR. LANDRY:** That's all I have.
2 Thank you.

3 **MR. LAKE:** Thank you.

4 **CHAIRMAN LUPOVITZ:** Thank you.

5 **MR. LANDRY:** Nicole Reilly,
6 please.

7 **NICOLE REILLY**

8 **(HAVING BEEN DULY SWORN)**

9 **EXAMINATION BY MR. LANDRY**

10 **Q.** Ms. Reilly, could you state your occupation
11 and tell us a little bit about your training,
12 background, and experience in projects of this
13 nature.

14 **A.** Yes. As I stated, my name is Nicole Reilly,
15 employed at DiPrete Engineering, 2 Stafford Court in
16 Cranston. We do have offices in Boston, Uxbridge,
17 and in Newport. I am a civil engineer. I went to
18 Boston University for my undergraduate, and I have
19 my Master's from the University of Rhode Island in
20 civil and environmental. I am a registered
21 professional engineer in Massachusetts,
22 Rhode Island, and Connecticut.

23 **Q.** Okay. And your resume has been provided and
24 it's been marked as Exhibit No. 5, correct?

1 **A.** That is correct.

2 **Q.** Now, I'm going to ask you to address a couple
3 of discreet issues within your purview, and I'm
4 going to invite you to make reference to the project
5 plans which are exhibit number --

6 **MR. TEITZ:** Bill, you need to keep
7 closer to the mic. You turn away from the mic.

8 **MR. LANDRY:** The project plans I
9 will note are Exhibit 2 for those following with the
10 handouts.

11 **Q.** Let's start with the stormwater design for
12 the project. I recognize we're just at the master
13 plan stage of review. But what is typically the
14 engineering firm's objective and function when
15 dealing with stormwater designs as part of the
16 conceptual master plan stage of review?

17 **A.** I'm just going to move to a different sheet
18 just to walk through that.

19 **(PLANS BEING SHOWN ON SCREEN)**

20 **MS. REILLY:** So for those following
21 in hardcopy, this is Sheet 4 of the 11-sheet packet.

22 **A.** So as Mr. Landry just asked me, as civil
23 engineers in the state of Rhode Island, we have a
24 big undertaking to make sure that we meet the local

1 regulations in the town of East Greenwich; but also,
2 in this case, we have to meet the Department of
3 Environmental Management regulations for stormwater;
4 in addition to the Department of Transportation,
5 since Division Road is owned and maintained by the
6 State, we have that additional requirement as well.

7 We take a look at existing conditions out on
8 the site; what exists today; where the stormwater
9 flows today; and what we're proposing; what land
10 cover types are we proposing; how much density; what
11 type of impervious or non-vegetative cover are we
12 looking at. And we take a look at all of that, and
13 we're tasked with balancing the water from where it
14 goes today to where it's going to go after we're
15 done.

16 So I know Mr. Lake and Mr. Landry had
17 mentioned that wetland, and I am going to try to
18 point to it right now. There is an on-site wetland
19 that has been verified by the Department of
20 Environmental Management. It's about a half acre.
21 It's classified as forested wetlands. We have to
22 make sure that we balance the water that goes there,
23 and we have to make sure we balance the water that
24 ties into the property lines to make sure we don't

1 impact off-site properties or off-site roadways.

2 So in this case, for this project, as
3 Mr. Lake had mentioned, the site slopes down,
4 basically, bottoms right here. So for those, you
5 know, who know the area very well, it's the opposite
6 of the Cedar Ridge line toward the New England Tech
7 side of the property. The drainage tends to fall
8 that way. So using existing topography, ranging
9 across the site, we would take a look at what's
10 proposed out there and try to balance that as best
11 we can.

12 At the conceptual stage, which is where we
13 are right now, we're taking a look at a series of
14 drainage ponds on the site. So, again, on the page
15 right here, I'm going to point to it, again, for
16 those that are at home. It's these ponds right here
17 (indicating). We would try to collect water from
18 the proposed addition, into those ponds, meter it
19 out, and have it meet out to where it flows out
20 today, which is immediately adjacent to our eastern
21 entrance on the site.

22 Q. Okay. And are the plans for that, developed
23 to this point, what is normal and customary for
24 engineers at the master plan stage of review?

1 **A.** Yes. We at DiPrete do a variety of small,
2 medium, and very large projects. And having worked
3 for over 20 years at this, it's actually a little
4 more advanced than a master plan level.

5 **Q.** But is the idea to make certain, at least
6 from a concept and business point of view, that the
7 design, the concept design that you're developing,
8 is well thought out and likely to be feasible and
9 ultimately approved subject to further engineering
10 at the preliminary plan stage of review?

11 **A.** Yes, that is an accurate summary. As part
12 of that, and a sheet further in, we've also taken
13 a look at, we call them test holes or soil
14 evaluations. We've taken a look at soil types
15 and groundwater for that.

16 **Q.** And do I understand correctly that, at the
17 preliminary plan stage, the actual stormwater, as
18 designed, is developed in accordance with a
19 Rhode Island DEM stormwater manual? DEM reviews
20 the stormwater design, suggests changes or not. It
21 ultimately has to approve not only the design but to
22 ensure that there's not an increase in the rate or
23 velocity or volume of runoff or standard to that
24 effect, and also that water quality is also

1 protected and preserved and has to make -- DEM makes
2 an actual certification to that effect, correct?

3 **A.** Yes, this plan set, which is currently about
4 11 sheets, as we get into the engineering phase,
5 will turn into probably a 100-sheet set. It's going
6 to have detailed grading. The stormwater, I guess,
7 will be a couple hundred pages long. Good nighttime
8 reading for anyone for insomnia. But it's very well
9 detailed. There's a lot of information that goes
10 in. And, as Mr. Landry stated, we have to meet a
11 lot of regulations and get reviewed by a lot of
12 different eyes.

13 **Q.** And do you have an opinion, to a reasonable
14 degree of certainty within your profession, that
15 this concept is a feasible stormwater concept and is
16 what the industry would recognize as a good
17 stormwater concept subject to further engineering
18 and this rigorous DEM review process that's ahead of
19 us?

20 **A.** Yes. I mean, this site plan was created by
21 my firm and had the benefit of several experienced
22 engineers taking a look at this, at this phase, to
23 make sure that the future phases are plausible.

24 **Q.** Okay. And with respect to the wetlands, do I

1 understand correctly that the DEM has already looked
2 at the wetland edges and verified that our
3 consultants have identified the wetland edges
4 properly and verified that the wetland is what we
5 think it is; and that's a starting point that helps
6 the engineers at this conceptual stage; and that the
7 intent and the conceptual design is to observe all
8 applicable setbacks and DEM buffers from that
9 wetland area as they exist under the new wetlands
10 Act, which went into effect last July, which is more
11 rigorous than the old one. Correct?

12 **A.** Yes. In 2020, we had our wetlands scientist
13 go out there and assess the location, type, and size
14 of wetland, based on the state regulations. We drew
15 up a plan. We call them wetland flagging; we
16 flagged the wetlands. We submitted that to the
17 Department of Environmental Management, and then
18 they provide a letter back indicating whether they
19 agree or disagree with our findings. And as of this
20 date, we have a letter, probably six months from
21 when we submitted it back in 2020, that shows they
22 concur with the findings.

23 **Q.** And the wetland review period, similar to the
24 stormwater review, it's complicated and takes a

1 while and has to be supported by additional,
2 additional work and calculations, correct?

3 **A.** Yes. So the wetland edge verification I just
4 referenced is complete. To actually obtain a
5 wetlands permit or an insignificant alteration
6 permit is a several-hundred-page report and
7 several-hundred-page document.

8 **Q.** Often, DEM will come back with comments, and
9 you have to respond to those comments; and many
10 times there are conditions that are attached to
11 those wetlands approval that may affect the design
12 of the project in some aspect, correct?

13 **A.** That is correct. Similar to having that
14 data, the town commentary to this date, and the
15 board's feedback, we'll also receive feedback from
16 the DEM and the DOT throughout the permitting.

17 **Q.** Okay. And with respect to DOT, their
18 jurisdiction extends because Division Road is a
19 state highway?

20 **A.** That is correct.

21 **Q.** And they have the control, as opposed to the
22 town, with respect to what happens on that highway,
23 correct?

24 **A.** Yes. We have to make sure our access in and

1 out of the site meets the State requirements, in
2 addition to drainage as well.

3 **Q.** Now, I didn't get into this with Mr. Lake,
4 but I know you both have been involved in it, the
5 project entrances on the east side across from
6 Westfield Road and on the west side closer to
7 New London Turnpike.

8 Were those entrances driven by the available
9 frontage on a public road that the site has?

10 **A.** Yes. Our 81-plus acres, while it is situated
11 in between Route 95 and Division, only has a little
12 over 700 feet of frontage that actually touches
13 Division Road.

14 **Q.** All right. And so if you were to go west of
15 where the east project entrance near Westfield is
16 located, you'd run into somebody else's property,
17 correct?

18 **A.** So you're referring to this (indicating)?

19 **MR. LANDRY:** Yes.

20 **A.** So this entrance -- that is correct. Our
21 frontage, if you guys can see my mouse, that's our
22 frontage on Division, on that side. On the western
23 side, our frontage on Division is right here
24 (indicating).

1 **Q.** All right. So that pretty much dictated the
2 entrances. And if you go east, you run into that
3 historic cemetery area that Mr. Lake was describing
4 previously, correct?

5 **A.** That is correct.

6 **Q.** And is there some wisdom or convention in the
7 traffic -- in the engineering world that wants to
8 line up new roads with existing roads that are on
9 the other side of a right-of-way?

10 **A.** Yes. Speaking from a civil engineering
11 perspective, you would try to "T" up both sides of
12 either a drive aisle or a driveway or roadway so
13 they are head-on with each other. And I'm sure
14 Mr. Clinton can give a further traffic opinion.
15 But, yes, that is common and good practice.

16 **Q.** And is that to limit the number of conflicts
17 that someone driving on a road, like Division,
18 Division Road, has to deal with potential merging
19 traffic coming from different points in very close
20 proximity to each other?

21 **A.** That is correct.

22 **Q.** Now, the sewer connection, could you just
23 explain a little bit what the proposal is for the
24 sewer connection and describe the nature of your

1 firm's involvement, not only in this proposal but in
2 the Cedar Ridge, with respect to the Cedar Ridge
3 sewage right next door to the west.

4 **MS. REILLY:** I just had a question
5 for ID reasons. Is there a way that I can access
6 the Zoom? I want to be able to Zoom on this.

7 **(BRIEF PAUSE)**

8 **MS. REILLY:** I am going to see if
9 there's a better way to because no one is going to
10 know what I'm talking about.

11 **(BRIEF PAUSE)**

12 **MS. REILLY:** Okay. I was going to
13 try to Zoom it, but we're going to use our
14 imagination.

15 **A.** So the project itself is the red box that you
16 guys see here. I would have enlarged it so you can
17 see it. But if you see, it's centered on the
18 site -- sorry. Centered on the sheet is the site
19 situated in the red box. Our Cedar Ridge neighbors
20 to our west are right here, and Division Road is
21 down here. So Route 95 is actually quite easy to
22 see here. (indicating)

23 So the project proposes interconnection into
24 the Coventry sewer system that ultimately goes to

1 the West Warwick facility. Our interconnection is
2 proposed --

3 **(BRIEF PAUSE)**

4 **A.** So our interconnection is going to the
5 existing sanitary sewer network, somewhere in here
6 where the most is. (indicating) So on-site, we
7 would be collecting our sanitary sewer down here.
8 We follow that topography, we spoke about a few
9 minutes ago, where everything flows down towards
10 Division. We would propose pump stations that would
11 pump the collected sanitary sewer off the site --
12 and there's a couple different options to connect
13 it -- and then tie it into the off-site existing
14 sanitary sewer system.

15 **Q.** Now, we've received a sewer availability
16 letter from the sewer -- from the Town of Coventry
17 Town Council, correct?

18 **A.** That is correct.

19 **Q.** And that was based on an estimate that your
20 firm prepared of the total gallonage; and that
21 approval or will-serve letter related to the
22 specific overall gallonage that was calculated for
23 the site of the densities proposed, correct?

24 **A.** Yes. We took a look at the proposed type of

1 units, the flows anticipated for each unit, using
2 local flow requirements and state flow requirements,
3 and compiled that into a consolidated number for
4 consideration.

5 **Q.** And that approval, was that to meet the
6 demand of the project?

7 **A.** Yes.

8 **Q.** Now, do I understand correctly that, also at
9 the preliminary plan stage, there is a hard
10 engineering aspect of the sewer connection in which
11 the sizing of pipes, including the access to the
12 existing pipe that's in the New London road through
13 the Coventry system, has to be engineered.

14 Is there anything unusual about that task for
15 engineers like you and your firm and have you had
16 the experience on that issue in this precise area
17 previously?

18 **A.** Yes, my firm has worked on similar projects
19 with, I'll say, similar next steps. So, in addition
20 to the on-site engineering, what we have to do at
21 the next phase, we would also have to work with the
22 local sewer authority in town to make sure that the
23 sewer off-site process works as well.

24 **Q.** And they review the plans; and, at some

1 point, the engineers work out the pipe sizing and
2 so forth. And there's another public hearing here,
3 correct, it's a preliminary plan stage of review,
4 to go over what has resulted from that process,
5 correct?

6 **A.** Yes, and even though this is a, I'll say, a
7 larger project, even on smaller projects, that exact
8 process comes up at the next phase.

9 **Q.** All right. And are you confident that the
10 engineering issues that are to be managed at that
11 point are fairly normal type of engineering issues,
12 no show-stoppers or anything like that, that have
13 presented themselves as part of your firm's
14 evaluation?

15 **A.** Correct. Based on my years of experience and
16 similar projects, and also information to date
17 specific to this project, I feel comfortable moving
18 to the engineering phase.

19 **Q.** And Cedar Ridge, our neighbor to the west,
20 they access that same line with a line that crosses
21 Route 95 in a very similar way of what we're
22 proposing, and your firm was involved in that
23 development as well, correct?

24 **A.** That's correct.

1 **Q.** Did you hear Mr. Lake's testimony about the
2 project plans as they related to the width of the
3 roads, the size of the parking spaces, and those
4 issues that were negotiated with the Town's
5 officials and consultants?

6 **A.** Yes. I was part of a majority of those
7 meetings regarding circulation and road width.

8 **Q.** And you were part of the negotiation process
9 with the Fire Department and also the discussions
10 with the Town's traffic review consultant,
11 peer-review consultant, Anna Novo of Caputo & Wick?

12 **A.** That's correct. We've had the benefit of the
13 Town's third-party reviews and also the Town staff
14 and Town professionals as well.

15 **Q.** All right. And that resulted in a
16 compromise, did it not, where we were going to --
17 first of all, the roads are going to be private, but
18 we're also going to provide wider roads, not 20 feet
19 but 24 feet for the entry roads and the main roads,
20 and 22 feet for the secondary roads and have 8-foot,
21 6-inch parking spaces, correct?

22 **A.** That is correct.

23 **Q.** All right. And that was the number that was
24 negotiated down to 8.6, from where we had it on the

1 original plans, and down to the entry through
2 multiple -- discussions of multiple Town officials
3 at the TRC stage, correct?

4 **A.** Yes, the road width, the right-of-way, and
5 the parking stalls were all updated through the
6 negotiations and feedback.

7 **Q.** And that's all reflected on the plans here?

8 **A.** Yes.

9 **Q.** And what you show on the bottom of this
10 particular plan sheet -- what is that, Sheet 7?

11 **A.** This is Sheet 7.

12 **Q.** -- sheet 7, those are the same images that
13 Mr. Lake had had on his plans only in a larger
14 scale, correct?

15 **A.** Yes. This sheet, if you look closely, it's a
16 little bit masked by the Zoom thing on the top, but
17 the legend on the top shows what we're calling the
18 type of road, and it has a color designation, which
19 then translates to the actual site plan.

20 And if you look at the title of each of
21 those, there's a cross section where, you know, if
22 you were to dissect the road it crosses, that's
23 what you're looking at on the bottom. Where the
24 road is proposed, this is the road cross section and

1 the details of the road cross section. And these
2 are all reflective of the feedback. (indicating)

3 **Q.** That includes the size of the landscape
4 strip, the size of the walk, the size of the
5 pavement, on one side of the street, and the same
6 thing on the other side of the street, correct?

7 **A.** Yes.

8 **Q.** And that's for all the different road types
9 that are represented on the plan, each of which has
10 its own color, correct?

11 **A.** That is correct.

12 **Q.** Let's talk for a minute about Kent County
13 Water Authority and what type of advance work is
14 typically done to ensure that water service is
15 feasibly available to the project.

16 **A.** So if you were proposing a single-family
17 home, a single-family home would have a more
18 direct route to get Kent County Water initial
19 feedback in the form of will-serve. In this case,
20 because we have more than one home proposed and is
21 a larger-scale project, we went through a process
22 called water modeling with Kent County Water.

23 We gave them a series of inputs. We gave
24 them copies of our site plans and elevations, unit

1 types. And we had the benefit of a water model
2 completed on the project.

3 **Q.** And that's a hydraulic analysis that they
4 use, based on their own data, as to what their
5 system can accommodate. You provide the water
6 needs, and they make a determination as to whether
7 they have the volume and pressure to supply those
8 needs, both for domestic water service as well as
9 fire flow, fire protection through hydrants?

10 **A.** Yes, they take a look at the domestic and at
11 fire. And also they have the knowledge of the
12 entire water network. So unrelated to this project,
13 that water model exists for the entire network; and
14 we're in the town that Kent County Water services.
15 And what they do is they update the model with our
16 specific demand for water and fire to make sure they
17 can provide service.

18 **Q.** And is the typical sequence that first you
19 get a will-serve letter from Kent County Water
20 Authority that provides the results of that
21 hydraulic modeling; they certify to you that they
22 can satisfy the needs. And, similar to the sewers,
23 the engineers get together at the preliminary plan
24 stage and collaborate and make sure that the system

1 is engineered in a way that will, in fact, deliver
2 that water in a way that's not going to have adverse
3 impacts on others in the area?

4 **A.** Yes. More often than not, as the engineering
5 progresses and the details become more refined, we
6 work closer the Kent County Water and the project
7 architect in the town, and, in some cases, update
8 the water models with the refinements.

9 **Q.** But at least for now, the will-serve letter
10 has been issued and the light is green, so to speak,
11 on the issue of water, correct?

12 **A.** That's correct.

13 **Q.** There was discussion at the last meeting, and
14 during the technical review process, about a couple
15 of distinct issues that I understand are not on this
16 plan set but that you developed individual plans to
17 address turning radius requirements of this
18 development, the way the roads are laid out. Are
19 they, are they designed to accommodate the town's
20 largest fire truck, the garbage trucks, and how
21 about school bus stops.

22 Was that analyzed to identified appropriate
23 locations for school bus stops in the development,
24 whether it's a private development or a public

1 development, a likely suitable location for school
2 bus stops subject to further discussion at the
3 preliminary plan stage with a private vendor that
4 provides the school transportation services to the
5 town?

6 Would you just take us through the three
7 different plans that deal with the issues that I've
8 just described.

9 **MS. REILLY:** Sure. Could we
10 switch to the third PDF.

11 **(PLANS BEING SHOWN ON SCREEN)**

12 **A.** So Mr. Landry just asked a multi-step
13 question, I'll go piecemeal according to the plans.
14 These plans -- am I sharing with the public? Okay.

15 These plans came to fruition as a result of,
16 again, Town feedback and peer-review comments from
17 the third-party traffic engineer. The Town and,
18 obviously, the developer and the design team wanted
19 to make sure that there was a comfortable level of
20 access in and out of the site. Given that the
21 roadway was a very interested topic, we wanted to
22 make sure that we did our homework.

23 So we took a look at the Town of East
24 Greenwich fire truck. So the bottom left of that

1 screen, that black box with the red "X" actually has
2 the dimensions of the fire truck. And it actually
3 takes a software called AutoTURN, a version of
4 AutoCAD, and you actually take the dimension of the
5 fire truck and you drive it through the site and you
6 make sure that you can actually stay on the
7 pavement, have safe circulation as you have turning
8 movements, and, you know, there's no red flags as
9 far as the design at this phase.

10 We did the same process with garbage trucks.
11 And that question regarding space, we know some of
12 those can get a bit chaotic, so we wanted to make
13 sure we considered that for the homeowners.

14 And then the third question I heard had to do
15 with school buses. So we took a look at whether the
16 roads were public or private and whether school
17 buses were going to be entering our complex or not.
18 And we took a look at, you know, school bus
19 considerations down along Division; and then the
20 preferred option is to have on-site school bus stops
21 with safe walking distances tied to safe sidewalks
22 within a reasonable distance for future children
23 that may benefit from the school district. So we
24 took a look at bus stops. And there are little red

1 circles, you can see here. Those are subject to
2 final engineering and design. But it's our best
3 design practice now. That's what we propose on-site.

4 **MR. LANDRY:** Thank you for that.

5 **Q.** One more issue involves the waivers that --
6 there are a number of waivers that are typically
7 requested in these comprehensive permits. And
8 there's a summary of those waivers in the staff
9 report that was prepared by Mr. Ranaldi and his
10 team. I can share that with you. Do you have it?

11 **A.** Yes, it looks like it's Sheet 5 of the staff
12 report.

13 **Q.** 5 of 7 of the staff report. By the way, is
14 it unusual for there to be a list of required
15 waivers in a project like this?

16 **A.** It's fairly common to have a list of waivers
17 in a project like this.

18 **Q.** Because we're, basically, looking at current
19 requirements for the F-2 zone which requires two
20 acres for every house in order to accommodate the
21 comprehensive plan's wisdom of high-density
22 development. So a definition is going to require
23 some dimensional changes from what is required for
24 F-2 zoning. Correct?

1 **A.** Yes. As Mr. Lake described, with the goals
2 and the vision of the neighborhood, and if you
3 overlay that onto traditional, you know, one- to
4 two-acre homes with the driveways in front, spread
5 out, the regulations needed to be reviewed in full
6 to make sure that we had a list of potential waivers
7 we may need for Union's vision of the project as we
8 progressed in engineering.

9 **Q.** And there are some waivers here that are
10 obvious, the uses by zone, allowing multi-family as
11 opposed to single-family, the lot size, frontage,
12 lot size coverage.

13 Do I understand correctly that this is likely
14 to be a development that's owned in the condominium
15 form of ownership so that this really continues to
16 be one lot, but there are units within the
17 development that will include land units that have
18 somebody's yard and house and so forth; and that
19 there will be some required waivers of the
20 requirements that would be applicable to two-acre
21 zoning?

22 And we're also requesting some landscaping,
23 detailed landscaping, not waivers but deferrals to
24 the preliminary plan stage of review, including in

1 the parking lots. There's a requirement that
2 parking lot landscaping be provided and preserved
3 vegetation areas be shown.

4 Do I understand correctly that the deferral
5 is being requested because it didn't become clear,
6 until even the last few months, that the Town did
7 not want to have any ownership of the roads, that
8 they would be private roads, what the size of the
9 roads would be, what the size of the parking lots
10 would end up being; and that it didn't make a lot of
11 sense to have highly-detailed vegetation planting
12 schemes for something that is a moving target, at
13 the conceptual level of review, and that could all
14 go out the window depending on how the project is
15 ultimately approved at the master plan stage?

16 **A.** Yes. There's -- as you just mentioned, we're
17 going to be back here for, you know, probably for
18 different stages of the project, as the project
19 progresses, the only time we all are here. And
20 there's a lot of work to be done, a lot of work on
21 drainage and the project architecture. So there's
22 stuff that we foresee, with our experience, that we
23 may need; it doesn't necessarily mean that we need
24 all of these. But based on our experience with

1 similar projects, these things have come up in some
2 ways.

3 So, to your point, Bill, the roadways were
4 unknown, as far as our approach to them more
5 recently. So that's why we've applied for a lot of
6 these waivers.

7 **Q.** Okay. And there are a number of waivers.
8 I'm looking at No. 8 down to No. 11 that really are
9 not in the zoning at all; they are in the design
10 standards of the requirements for roads; and they
11 relate to the possibility that some waivers may be
12 needed with respect to the grading issues, slopes,
13 and so forth, and the length of slopes.

14 Are these waivers -- is there anything
15 unusual about these waivers at a project like this?

16 **A.** No, these are fairly common, in my
17 experience, especially a site that has this much
18 grade change across it. I think we would be doing a
19 disservice if we went in and leveled it, put massive
20 walls in the back, which we're trying to match the
21 grades.

22 **Q.** All right. So is there any -- are there any
23 unreasonable -- I realize the final grades still
24 need to be done based on the determination of how

1 wide the roads will be. But do you have any
2 expectation that there's any feasibility issues
3 with grading occurring in a reasonable fashion
4 with respect to slopes or other design requirements?

5 I know that's not going to be determined
6 until the preliminary plan stage of review, but
7 are there any show-stoppers from an engineering
8 feasibility or safety perspective that present
9 themselves at this time that will make any of
10 these design standard waivers something greater
11 than benign?

12 **A.** No, this is fairly common. And between
13 Union Studio and DiPrete, we actually did an
14 exercise early on, during the concept phase, of
15 up to 30 percent grading phase, to make sure that
16 we understood the future. I feel very confident
17 accommodating this as we get into the engineering.

18 **MR. LANDRY:** Okay. I think that
19 may be it.

20 **(ATTORNEY LANDRY PERUSING DOCUMENTS)**

21 **Q.** All things considered, particularly the
22 stage, the conceptual stage that we're at right now,
23 is the engineering package designed to a level that
24 meets or exceeds what the industry would normally

1 expect for a project like this at the master plan
2 stage of review?

3 **A.** Yes.

4 **Q.** Does it likely exceed that standard?

5 **A.** Yes. Based on some due diligence that I just
6 described, and making sure the off-site utilities
7 were understood, I feel like we're probably a little
8 bit ahead of the master plan, comprehensive plan
9 stage.

10 **Q.** And do you have an opinion, to a reasonable
11 degree of certainty within your profession, that
12 we are dealing here with a design that's -- subject
13 to engineering and further review by DOT and DEM --
14 presents itself as a feasible design and one that
15 would not introduce adverse impacts to any public
16 health, safety, or welfare concerns?

17 **A.** Based on our due diligence to date and all
18 the feedback we've received, I feel comfortable with
19 the next step to meet the regulations.

20 **Q.** And would the same be true as to any
21 potential environmental concerns, at least with
22 respect to where we are at this master plan stage?

23 **A.** From a civil engineering perspective, we
24 understand the wetland, we understand the

1 regulations, and I think we're ready to move forward
2 whenever.

3 **MR. LANDRY:** Thank you. That's
4 all I have.

5 Now, Mr. Bob Clinton, please, Mr. Chair.

6 **ROBERT CLINTON**

7 **(HAVING BEEN DULY SWORN)**

8 **EXAMINATION BY MR. LANDRY**

9 **Q.** Okay. Mr. Clinton, could you describe your
10 occupation and describe for the board a little bit
11 about your professional training and background and
12 the types of projects that you've been involved in
13 with your employer.

14 **A.** I graduated in 1986 with a Bachelor of
15 Science in civil engineering. I started working as
16 a civil engineer, transportation traffic engineer.
17 I've worked on major public and private
18 developments, everything from DOT projects, major
19 bridge projects, Washington Bridge, Henderson
20 Bridge, also commercial developments, institutional
21 developments, and also mixed use developments, such
22 as Chapel View plaza.

23 **Q.** And how long have you been doing that?

24 **A.** 36, going to be 37 in June.

1 Q. And you regularly work with DOT sometimes --

2 (NOISE INTERRUPTION)

3 Q. You regularly work with DOT, sometimes for
4 DOT, in evaluating traffic impacts with respect
5 to very large and sometimes small proposed
6 developments, correct?

7 A. Correct.

8 Q. You're familiar with the AASHTO standards,
9 and could you tell us a little bit about what those
10 are.

11 A. Yeah, those are guidelines as far as roadway
12 design and site distance, grading of roadways.

13 Q. And before any project can proceed here, do I
14 understand correctly that the Department of
15 Transportation, at the state level, would have to
16 issue a physical alteration permit and that part of
17 that process involves them ascertaining what the
18 likely traffic conditions will be and whether safe
19 and appropriate access is planned for as part of the
20 project?

21 A. Yeah, that's true. The thing about this
22 project, you're getting not only a peer review, a
23 review from your staff, you're getting a peer review
24 from an independent engineer. And once we go on to

1 the next stage, the DOT will be doing a thorough
2 review of the traffic, and the drainage also with
3 DEM.

4 **Q.** And it's the state, as opposed to the town,
5 that really has -- that does have jurisdiction over
6 access and traffic issues off this particular
7 roadway, right?

8 **A.** Yeah, that's correct. The DOT does want to
9 make sure -- they want to make sure there's no
10 issues because they're going to be the ones that
11 have to pay for it, come back later and clean it up,
12 if there's any deficiencies. So they're going to
13 perform a thorough review of our traffic setting.

14 **Q.** Now, could you tell the board about how long
15 you've been involved in analyzing potential traffic
16 impacts and safety issues associated with this
17 particular project and with whom you have been
18 engaged on the town side in connection with that
19 process.

20 **A.** Yes. We collected more data on this project
21 than I think a lot of other projects that I've been
22 working on. We have data from 2019, 2020, 2022; and
23 we use that to come up with a very extensive and
24 conservative traffic study where we looked at the

1 absolute worst-case scenario. Even if traffic
2 patterns changed and one direction of traffic went
3 down, we kept a higher traffic volume in that
4 direction because we wanted to be very conservative
5 in our analysis.

6 Q. I'll give you a chance to speak at your own
7 pace about this, but I'd like you to -- recognizing
8 that we've got a hard stop at 10:00 tonight, and a
9 lot of people want to say things -- we have
10 submitted to the board, and they have hard copies
11 of -- as part of the application, we submitted the
12 December 2020 traffic report. And we've also
13 submitted the updated October 22 traffic report, and
14 the peer-review report by Anna Novo on behalf of the
15 town on January 19, 2023; your response to those
16 peer-review comments on February 28, 2023; and your
17 updated traffic impact and access study and
18 appendices to that study that were also prepared at
19 the end of February; and then, finally, there was a
20 final sign-off letter from Anna Novo very shortly
21 after you presented that.

22 Could you take the board through, in a
23 concise way, that path of the traffic analysis, the
24 types of tests that were conducted, the types of

1 issues that were examined and the results of those
2 traffic analyses and, most importantly, the
3 conclusions that the Town's peer reviewer came to,
4 in writing, at the end of that process.

5 **A.** Yes. As you know, the affects of COVID on
6 traffic were pretty significant, and we wanted to
7 make sure that we understood the worst-case scenario
8 before COVID, those volumes, and the change in
9 traffic patterns as a result of COVID. We've seen
10 some changes in traffic patterns due to the hybrid
11 work model for people working at home sometimes and
12 not then going to the office.

13 So we wanted to make sure that, you know, we
14 were overly conservative if we looked at the
15 worst-case scenario, with everything being back to
16 pre-COVID conditions, that we weren't going to have
17 any issues with the roadways or the intersections.
18 That's one of the reasons why the peer reviewer --
19 and you're very fortunate to have a pretty
20 established and renown engineer to do your peer
21 reviews. She was very thorough. She required us to
22 do extra analysis, being overly conservative with
23 the numbers.

24 So we went through that process. We

1 overestimated the existing traffic, as I talked
2 about before; we overestimated the background
3 growth; projected the traffic growth in the future,
4 regardless of our project. We then, initially, did
5 a five-year review look into the future, and she
6 requested a seven-year, which is even more
7 conservative than most requirements in most cities
8 and towns.

9 **Q.** And when you say "seven years," what does
10 that mean? Seven years forward? What are you
11 looking at seven years forward?

12 **A.** Yeah, that conservative growth rate that we
13 use, we projected it seven years in the future
14 rather than just five years. So we -- our traffic
15 volumes are much higher than you would see in most
16 normal traffic studies.

17 **Q.** As part of your presentation, could you tell
18 us a little bit about how this data got collected
19 that was ultimately the basis for the final
20 conclusions.

21 **A.** Yes, we -- I have an independent company that
22 does the data collection. They count traffic
23 volumes. We have ATR, which is an automatic traffic
24 reporter, devices which count the volume of traffic.

1 You also have turning movement counts where they
2 just take, at the intersections, traffic taking
3 lefts, rights through the intersections; and, again,
4 we took them in 2019, 2020, and 2022.

5 **Q.** Could you take us through what the data has
6 told us. And did you also consider traffic speeds;
7 is that part of the analysis?

8 **A.** Yeah, in order to have safe access at the
9 proposed access drives at the roadways, you have to,
10 first of all, look at the existing speeds; and
11 what's looked at is the 85th percentile speed. So
12 that's the speed at which 85 percent of the people
13 are going at or below; and then we rounded that up,
14 so it was more like a 90, 95 percent speed. And we
15 just make sure there was enough sight distance,
16 looking left and right out of the site, to safely
17 make left-turn/right-turn movements.

18 **Q.** Okay. And why don't you tell us about the
19 conclusions that you came to and what the key issues
20 were in the peer review.

21 **A.** Yeah, the existing roadway is at 25 to
22 27 percent of the capacity in the roadway. With the
23 proposed development, the roadway will -- obviously,
24 it's going to increase the amount of traffic, and we

1 will be up to like 30, 31 percent with a capacity
2 roadway. So there's still a lot of capacity left in
3 the roadway for future development and growth in the
4 area.

5 **Q.** In the intersection analysis and the traffic
6 conflicts at the intersection, how's that going to
7 affect waiting times and levels of service? Is that
8 a significant issue in these studies?

9 **A.** Yeah, that's one of the big things. You
10 want to know what the queues are going to be at
11 the intersection and the delays. And the two-side
12 driveways, again, with this conservative analysis --
13 and another thing to look at, the distribution
14 of traffic, so that the worst movements are the
15 left-turn movements out of the site because you have
16 to get a gap in both directions in order to make
17 that movement. So we've overestimated that volume
18 of traffic too. And with that, we only see one
19 vehicle queue at each driveway.

20 During the peak -- we looked at -- again, we
21 looked at the A.M. peak and the P.M. peak hours of
22 the days when traffic volumes are at the highest.
23 So the rest of the day it's going to work better
24 than the ones we analyzed.

1 **Q.** What are the intersections that you analyzed
2 for the peak traffic volumes?

3 **A.** The intersections included New London
4 Turnpike, the new western access and the eastern
5 access, which is located across from Westfield.

6 **Q.** And how do you, how do you know when certain
7 traffic volumes are going to impact the convenience
8 of travelers along a road like Division Road and how
9 much interference there will be as a result of the
10 new -- the increased traffic?

11 **A.** Yeah, that's the thing that we looked at, the
12 peer reviewer looked at; and the DOT is going to
13 want to review our findings. And, typically,
14 everything during the peak hour, anything of
15 Level of Service D or better, it's kind of a grading
16 system, "A" being the best, "F" being the worst.
17 The only thing in traffic engineering, there's an
18 "E" in between the "D" and "F."

19 So the site driveways are projected to
20 operate at a Level of Service B or better, so I
21 don't anticipate any service issues.

22 **Q.** Okay. And that's a good level of
23 certificate, meaning minimal delays?

24 **A.** Minimal delays. And, like I said, the queue

1 is projected to be one vehicle at each driveway.

2 **Q.** Just one vehicle at a time?

3 **A.** Yeah.

4 **Q.** Now, these levels of service, is that
5 something you came up with or is that an industry
6 standard that's based on empirical data, such that
7 one traffic engineer should pretty much come out to
8 the same conclusion as another traffic engineer, if
9 they're following the same industry standards?

10 That's how you count the existing traffic and how
11 you count the proposed traffic, correct?

12 **A.** Yeah, that's true. That's an industry
13 standard. That's something the DOT is going to be
14 looking at too.

15 **Q.** And that's something you looked at in all of
16 these traffic reports that you prepared. And in
17 terms of projecting traffic, evaluating the capacity
18 of the roadway for additional traffic, without
19 causing adverse impacts or congestion, how do you
20 analyze the projected volume of traffic onto a
21 roadway? Are there industry standards that give
22 that answer to you as well?

23 **A.** Yeah, there are -- the Institute of
24 Transportation Engineers, ITE, has a trip generation

1 manual that looks at various land use codes. And
2 this one being residential, the three different
3 types of residential that are on-site,
4 single-family, and two different types of
5 multi-family, that's how the trip generation was
6 gathered.

7 **Q.** Okay. And that's empirical data that's
8 gathered from the whole region, sometimes even
9 greater, that can tell you what to expect from
10 certain types of uses, is that correct?

11 **A.** That is right.

12 **Q.** And all of that was calculated, and you came
13 up with these very good service levels before and
14 after the development is fully built out, correct?

15 **A.** Correct.

16 **Q.** Which is something that is likely to be eight
17 or nine years from now, maybe ten, correct?

18 **A.** Uh-huh.

19 **Q.** And now what about Anna Novo's review. In
20 what ways did she ask, penetrate a little further
21 the conclusions, and where did you, at the end of
22 the day, which I realize was just a few weeks ago,
23 where did you end up with the peer-review process?

24 **A.** Yes, again, she was very thorough, very

1 professional, kept pushing us to be even more
2 conservative. We were conservative to begin with,
3 but she kept wanting to look at the worst-case
4 scenario. And I think we came to that scenario, and
5 she agreed with our guidance that there is enough
6 capacity on the roadway to accommodate the projected
7 traffic.

8 **Q.** Without any adverse impacts?

9 **A.** Correct.

10 **Q.** And if I told you that the Technical
11 Review Committee report that was submitted by the
12 Planning Department to this board includes a section
13 on traffic that concludes that the traffic -- the
14 Town's traffic consultant is satisfied with the
15 approach taken by the traffic engineer within the
16 revised traffic impact study, is that consistent
17 with how you would describe where the peer reviewer
18 left off?

19 **A.** That's correct.

20 **Q.** And she provided a written document, I
21 believe it was January 27, 2023, that says, I'm
22 satisfied with your -- with all aspects of where
23 we've ended up here and your conclusions?

24 **A.** That's correct.

1 **MR. LANDRY:** That's all I have of
2 Mr. Clinton at this time, Mr. Chair.

3 Our last witness is Joseph Lombardo.

4 **JOSEPH LOMBARDO**

5 **(HAVING BEEN DULY SWORN)**

6 **MR. LOMBARDO:** My name is
7 Joseph Lombardo, home office in Westerly,
8 Rhode Island.

9 **EXAMINATION BY MR. LANDRY**

10 **Q.** Mr. Lombardo, could you just describe to the
11 board your professional training and your area of
12 expertise.

13 **A.** Yes, good evening, Mr. Chairman and members
14 of the board.

15 **CHAIRMAN LUPOVITZ:** Good evening.

16 **A.** For the record, yes, I have a Bachelor of
17 Science degree from the University of Rhode Island
18 and also a Masters' in community planning from
19 the University of Rhode Island. I have been the
20 town planner in several communities in Rhode Island,
21 including Westerly, Richmond, and Hopkinton, and
22 also a couple of communities in Connecticut.

23 For over 25 years now, I have been doing
24 land-use planning consulting for a variety of

1 clients, including some municipalities.

2 Q. You provided a copy of your resume, and
3 it's been marked as Exhibit 7, correct?

4 A. Yes, it has.

5 Q. And have you regularly provided expert
6 testimony to planning boards, zoning boards, courts
7 on planning-related issues?

8 A. Yes, I have been in Superior Court a couple
9 times. And just recently I testified in Newport,
10 which now makes all 39 cities and towns.

11 Q. As a professional planning consultant -

12 A. Yes.

13 Q. -- sometimes for municipalities, sometimes
14 for private interests, correct?

15 A. That's correct.

16 Q. And have you evaluated Division Road in terms
17 of the overarching criteria of the Low and Moderate
18 Income Housing Act that an application be consistent
19 with local housing needs and the local, affordable
20 housing plan as expressed in the comprehensive
21 community plan?

22 A. Yes, I did. As you've stated, that's
23 probably one of the most important parts of what the
24 board has to find on this project.

1 **Q.** All right. And could you tell us what you
2 did as part of that process and then proceed to
3 provide your opinions on that, that issue,
4 consistency with local housing needs and consistency
5 with the affordable housing plan and comprehensive
6 plan.

7 **A.** Yes, I will. Thank you. Again, members of
8 the board, thank you for your time this evening.
9 I'll be concise. I basically have a couple of areas
10 that I feel are really important in parts of your
11 decision-making tonight. I'm going to be referring
12 to both the staff Technical Review Committee
13 memorandum that you also received and also our
14 application, both of which have numerous citations
15 in them from the comprehensive plan and affordable
16 housing element for housing.

17 As we -- you know, I think one of the most
18 important things, because I looked at this from the
19 very beginning, is that this site is actually
20 specifically designated on both the maps and the
21 text of the comprehensive plan. And that's
22 important because if you're looking at any
23 community's affordable housing plan, it's about the
24 first thing, certainly, what a housing development

1 would look at, where are the sites. If there are
2 designated sites, where are they, and are they
3 available.

4 And, typically, a community might have six or
5 ten of those sites where they feel high-density
6 housing has been accommodated. And, in this case,
7 we have a site; as you heard earlier, there's
8 letters for water, one is for sewer. You're on a
9 major -- Division -- road; access for the project
10 at two locations. So it has to meet all those
11 criteria, when the town developed its plan, with
12 this site on the list. So that's the very first
13 thing I see. I would look at that and tell you that
14 that's the first big part of deciding, does this
15 meet all the needs and is it consistent with the
16 plan.

17 The second thing we look at is the overall
18 need for affordable housing; what's the general
19 number. According to the HousingWorks RI 2022
20 report, you're at 5.67 percent of the stated goal
21 of 10 percent. So, in general, there's a need being
22 demonstrated for additional affordable housing in
23 your community. And your plan addresses how and
24 where you're going to achieve those. And the second

1 and more specific part of it is the plan then
2 identifies those areas where the need is most.

3 And, in this case, it talks about units for
4 elderly and units for family units. And so as you
5 look at that, when you hear the architect describe a
6 variety of housing types that are going to be
7 available at this project site, you can see that it
8 will meet the needs of those individuals within the
9 bigger need for affordable housing units in the
10 community.

11 I would note, also, as I look back at some
12 older data in your plan, which I think was from
13 2004, it indicated at that point there was
14 723 households that were cost-burdened, which
15 means that they have to spend more than, I think,
16 35 percent of their gross monthly income on housing.
17 And in the 2022 HousingWorks plan, it actually says
18 you're at 1,414 households cost-burdened. So it's
19 nearly doubled in over 23 years from the year 2000.

20 So you can see that, you know, we have the
21 perceptions of our community that you may or may not
22 realize, that there are cost-burdened households,
23 your neighbors and friends, you drive around with
24 them every day, but they're here. And as was

1 pointed out earlier by the architect, there is
2 definitely a need for a variety of housing types,
3 so that these folks have the ability to maybe bring
4 that number down so they're not cost-burdened but
5 just under it.

6 So I'm just going to spend a few minutes
7 highlighting some of the aspects of our application
8 and the questions that the TRC had. Again, when
9 you look at the future land use map, there's a
10 designation right there for our site, so we know,
11 right off the bat, that we're looking at the area
12 and that this is a good spot for what's called
13 high-density housing.

14 Now, this area right now is zoned very
15 low-density housing; but, in the plan, it's calling
16 for this high-density bonus area, so to speak,
17 because it has the availability and services unique
18 to the area. In your plan, it's also called MUPD,
19 multiple-unit density or plan district. So you can
20 see that it's targeted for this particular site that
21 has those aspects of this higher-density,
22 residential zone.

23 In addition, in the plan, on Page 69 of the
24 comprehensive plan, again, it talks about housing

1 policy number one, which is to create this new area
2 on this site; and it talks about changing from the
3 current commercial zone in some areas and also
4 farming, we have two zones, two MUPDs. So, again,
5 in a housing -- this is specific policy that points
6 to what exactly this project is asking for. And I
7 would highlight -- and it already has been
8 highlighted -- while the plan talks about a minimum
9 of 20 percent low to moderate, this project is at
10 25 percent, so having an additional number of units
11 that are being created here.

12 And, lastly along those lines, it talks about
13 densities -- and, again, that was highlighted
14 earlier -- whereas the plan contemplated densities
15 from 12 to 20 units per acre, this property is
16 5 units per acre. And it is still creating the
17 numbers that it is for the number of low and
18 moderate at 5 units per acre. So it's not overly
19 dense. It's higher density but not overly dense.

20 And just to highlight a couple points that we
21 put in our application. We listed -- again, we
22 listed the criteria for approval, again, for you
23 this evening, as to understand it and come to the
24 same conclusions that we did when you reviewed it,

1 that it meets this local need and it's consistent
2 with that. And then we designated the site in your
3 plan, the site that is specifically up from that.
4 And we also looked at Table 6(e), again, where it
5 talks about this mixed use, hybrid residential
6 zoning district. And so there's numerous citations
7 in the plan where we find all of these things in
8 place.

9 Lastly, it talks about this local need of
10 having the rentals and owner occupied. This project
11 is going to offer both. Why is that important?
12 Well, some of the need that's specified in the plan
13 talks about rentals for families and rentals for
14 elderly. It also talks about that -- this
15 northeast/northwest quadrant area in the plan talks
16 about having 105 units created, and we're creating
17 103. So we're really targeting very specifically
18 what the plan asked for when it was first written
19 and brought into your comprehensive plan.

20 Let's see. The last thing I wanted to
21 mention was, again, the number of the local needs
22 was actually, for elderly, 84 units, and families
23 was 75, which is 159. Again, looking at 103, you're
24 doing a fair number of local needs in one project.

1 So, as I looked at -- as I looked at all of
2 the citations that we presented, that your staff and
3 the TPR presented to you, this is probably one of
4 the clearest projects that I have worked on -- and
5 I've done dozens of these comprehensive permit
6 projects with Bill -- where it is very clear that
7 this is a great site for this project.

8 And that's my conclusion as a land use
9 planner. Having had the opportunity to review and
10 listen to and review all the plans here this
11 evening, that's my conclusion.

12 **Q.** So it's your opinion, to a reasonable degree
13 of certainty, that the project, as proposed, is
14 consistent with both local housing needs and the
15 Town's own plan for this site, the affordable
16 housing plan, as expressed in the comprehensive plan
17 community plan?

18 **A.** Yes, absolutely.

19 **Q.** And it provides for significantly less
20 densities than what are available, that are
21 available under both the affordable housing plan and
22 the comprehensive plan?

23 **A.** Right. It's considerably less than what the
24 plan had contemplated for the site, which probably

1 would have necessitated a large, multi-family
2 building on that same 80 acres to come up with that
3 same density.

4 **Q.** And that's with the Town also having the
5 option to have commercial elements in the
6 development as well, correct?

7 **A.** That's correct.

8 **Q.** And that would be in addition to the number
9 of residential units that the plan called for?

10 **A.** Right. Those could have been accommodated on
11 the site. And, as was pointed out, they would have
12 to be on the second and third floors of those
13 commercial spaces.

14 **Q.** Do you think, from a planning perspective,
15 the design is more compatible with the community, as
16 proposed, with half of the available density and the
17 site design and character that the architect
18 described?

19 **A.** Absolutely. I think, while I haven't been to
20 the site that he had indicated out in New York
21 state, but walking around the Hill & Harbor District
22 and frequently being here on Main Street personally,
23 I would say, based on, you know, what I saw on the
24 drawings and the design of the planner, it most

1 definitely would have that feel, and I think it, you
2 know, would be an excellent addition to the
3 community.

4 **MR. LANDRY:** That's all I have.
5 Thank you.

6 **MR. LOMBARDO:** You're welcome.
7 Thank you for your time.

8 **CHAIRMAN LUPOVITZ:** Thank you.

9 **MR. LANDRY:** Mr. Chair, that
10 concludes the direct presentation from these four
11 individuals. I do -- I never formally requested
12 that the board accept them as expert witnesses.
13 Again, I usually don't do that. But to the extent
14 that the board would prefer to have that done, I
15 just want it on the record to ask if the board
16 confirm that they are, in fact, experts with respect
17 to the matters that they testified on.

18 **CHAIRMAN LUPOVITZ:** Well, it's a
19 little after the fact, but I think that, I hope that
20 the members of the board would have objected earlier
21 on if they felt that there was an issue with respect
22 to the experts and their qualifications.

23 But does anybody have any questions now?

24 **(NO RESPONSE HEARD/SEEN)**

1 **MR. LANDRY:** Okay. Thank you.
2 Also, they are all here tonight, and it doesn't mean
3 we won't bring them back next time. But I certainly
4 want to make them available to any questions that
5 any of you might have at this point or later this
6 evening. And I would like to do the
7 question-and-answer thing, too, if we've got
8 time for that.

9 **CHAIRMAN LUPOVITZ:** At this time,
10 Mr. Landry, I'm going to call for a brief break.
11 When we resume -- I'm going to call for a ten-minute
12 break. When you resume, I'd like to have you
13 approach the board again, at which time we can talk
14 about the Q & A and allow the board an opportunity
15 to interact with you, as well as the experts and any
16 other materials that they have questions or comments
17 about.

18 Subsequent to that, if there's time -- and
19 thank you for your patience attending the meeting
20 this evening. Please know that if we don't get to
21 everybody who wants to make comment and speak on
22 this matter tonight, that there will be another
23 opportunity. So our intention is to get everybody,
24 who has an interest and a desire to speak and share

1 their thoughts, to have an opportunity to present
2 those thoughts to the board and the public.

3 So even though that might not occur tonight,
4 there will be other opportunities to do that, and we
5 have a real interest and desire to make that happen.
6 So please be patient with us. This is a very large
7 project, and we anticipated that it would take quite
8 some time to pour through all the materials; and,
9 certainly, that's been the case this evening.

10 So, with that said, I'd like to call for a
11 short, brief recess, and we will resume shortly
12 thereafter.

13 **MR. TEITZ:** Before you take the
14 break, I think you've gotten to a point, I believe
15 we have a time frame running on this, just for the
16 end of this month currently. And I think now might
17 be a good time to ask Mr. Landry if he'd be willing
18 to extend that time frame so we know, in fact, what
19 we are dealing with, so that, if he says no and so
20 forth, so we know now what we are dealing with.

21 **CHAIRMAN LUPOVITZ:** Yeah, that's
22 appropriate. So I would note, to Mr. Teitz's
23 comments, what he's talking about is that the board
24 has an obligation to meet a deadline of April 30 to

1 process this project. So this developer, in the
2 past, has been very gracious and generous in
3 accommodating our request for additional time to
4 process this project and allow us an opportunity to
5 get through everything.

6 So I would ask, again, Mr. Landry, if the
7 developer/Applicant would accommodate a request for
8 an extension.

9 **MR. LANDRY:** Yes, absolutely.
10 This works both ways. The time that we've taken,
11 and you haven't seen us, is spent very productively.
12 The Town has worked hard, Town folks have worked
13 hard, and our folks have been engaged, and it's had
14 the effect of bringing everybody a lot closer on a
15 lot of important issues. So we look forward to
16 continuing that, that process. And I like to jump
17 rock to rock.

18 I've never refused a request for a reasonable
19 extension where progress is being made, that's not
20 going to be any different now. We usually go out 60
21 days at a time, understanding that if we really need
22 it, my client is likely to be willing to extend it
23 further. But sometimes we find we put it out too
24 far, we don't really need all the time, and most of

1 the work doesn't get done until the end of that
2 period. So if you feel like moving or pushing it
3 in 60-day increments or so.

4 **CHAIRMAN LUPOVITZ:** I will say,
5 lately, there's been a lot of attention here and
6 consideration for the time. So I believe that the
7 town and board, especially most recently, has paid a
8 lot of attention trying to help facilitate your need
9 to try to stay on some kind of track for time.

10 **MR. LANDRY:** That's absolutely
11 true.

12 **MR. TEITZ:** So June 30, then?

13 **MR. LANDRY:** Yes.

14 **MR. TEITZ:** You acknowledge you
15 will --

16 **MR. LANDRY:** Yes.

17 **MR. TEITZ:** -- extend the time
18 frame to June 30?

19 **MR. LANDRY:** Yes.

20 **MR. TEITZ:** Okay. Thank you.

21 **MR. LANDRY:** Thank you.

22 **CHAIRMAN LUPOVITZ:** Thank you.
23 We'll be back shortly.

24 **MR. TEITZ:** Five minutes, ten

1 minutes? How long do you want to do this?

2 **CHAIRMAN LUPOVITZ:** Let's take ten.

3

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(BRIEF RECESS)

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1 **(APPLICATION HEARING RESUMES)**

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3 **CHAIRMAN LUPOVITZ:** Okay. I think
4 we're ready to resume.

5 Mr. Landry.

6 **MR. LANDRY:** Thanks, Mr. Chair. I
7 will try to do this as efficiently as I can. These
8 are the questions, in the order, generally in the
9 order, that they were posed by members of the
10 surrounding area.

11 *Will there be adverse impacts to wetlands?*
12 *What about the wetlands in the site?* I think that's
13 been covered by Miss Reilly's testimony. Just that
14 half-acre portion, all setbacks will be observed.
15 DEM is going to have to review that. They've
16 already verified the wetlands. And that area is not
17 being altered. It's being incorporated into the
18 large park area.

19 *Were other parts of East Greenwich also*
20 *considered for affordable housing?* The answer to
21 that is yes. The affordable housing plan has a
22 couple of other sites that are circled. They
23 generally are a lot smaller than that one. Some of
24 them have already been built on. One that comes to

1 mind is the condominium development that's just west
2 of the high school that's been developed. The
3 comprehensive plan talks about the criteria that was
4 used to develop these sites. There are very few of
5 these sites. Certainly none other that involves
6 significant land area.

7 But the plans say that the plan went through
8 a geospatial analysis to determine parcel size,
9 current zoning, available infrastructure,
10 surrounding land use, and environmental constraints
11 to develop. That's at Page 70 of the plan: "An
12 approximation of the net developable land was made
13 as the basis for projecting build-out by subtracting
14 areas of wetlands, FEMA flood zones, and slopes
15 over 15 percent." "An assumption was made that
16 50 percent of the net developable land would be
17 dedicated to roads and utilities and thus was
18 subtracted from the area of developable land."

19 That's the process the Town -- in the Town's
20 own words -- did to determine that the suitable
21 range of densities on this particular property was
22 between 12 and 20 units per acre. And, again, we're
23 proposing 5 units per acre.

24 *Won't the Westfield Road neighborhood be used*

1 as a *cut-through*? There were a number of people in
2 that area that are here, that were here last time,
3 that have concerns. You know, we would be happy to
4 help in advocating some type of a no-through traffic
5 signage there. You know, almost all of us on the
6 project team have driven through that area and try
7 to understand it a little better. And it doesn't
8 appear to be a very convenient cut-through. I'm
9 sure it could be used for that purpose, but it kind
10 of meanders; and it's almost a little hard to get
11 out once you've gotten in. It doesn't seem like a
12 very convenient thing to do.

13 But I think the focus that we will volunteer
14 is to try to find ways to keep any traffic from this
15 development from going through there. There's
16 certainly not a need to go through there, and that
17 could probably be accomplished through signage.
18 It's been established that there's not -- frontage
19 is limited. The options for entering this property
20 that are suitable options are very limited. They're
21 in the areas that have been identified.

22 *What about, won't the town experience*
23 *potentially greater costs for municipal services,*
24 *including school system. Impacts and, of course,*

1 greater population within the municipality always
2 carries some impact on municipal services. Those
3 costs have been moderated here somewhat, by the
4 request of the Department of Public Works and
5 Planning at the TPR process, that the roads all
6 be private, privately maintained, and that the
7 Town is not going to be providing any services.

8 You know, that doesn't stop people in the
9 development from asking the Town to provide those
10 services. So what we usually volunteer as well is
11 a deed restriction in the homeowners' documents that
12 precludes those services; that makes it clear that
13 they'll be private; and that people should not be
14 petitioning the Town, or anyone else, to provide
15 those services for them.

16 There's no criterion in the Act for dealing
17 with fiscal impacts or monetary issues. It's not a
18 basis for approving or disapproving of a project.
19 And that's very well-established at the Rhode Island
20 Housing, State Housing Appeals Board level. The
21 Town's attorney correctly advised the board, at the
22 last session, and I'm going to say this and I agree
23 that this is an accurate statement of the law, and
24 I am quoting, I will say one thing, that, fiscally,

1 you do not have the power to consider that this
2 development may draw -- may raise taxes in the
3 community, it may draw more students to the school
4 system, and it may raise taxes. That is not
5 something that you, i.e., the Planning Board, can
6 consider as grounds for denial.

7 Now, that's not to say that we will not
8 continue to work hand-in-hand with the Town to phase
9 the project. There's already a limitation built in,
10 that we haven't requested a waiver for, that
11 prohibits more than 50 units a year from being
12 developed in any one project. So we're talking
13 about, potentially, a nine- or ten-year build-out.
14 The construction, with all the state approvals and
15 so forth, is not likely to start for another year.
16 So there's an eleven-year horizon for the planning
17 process to continue to go beyond the plan, to
18 actually implement the plan that it came up with, as
19 part of the comprehensive plan.

20 And Mr. Lombardo is a talented planner. He
21 does fiscal impact analysis, and he's indicated he's
22 willing to meet with the Town Manager and compare
23 notes on their respective information on expected
24 school enrollment impacts and costs and so forth.

1 And that may not be relevant to this process, but it
2 is relevant to the Town at a broader level to be
3 assisted at planning that way.

4 *And what about fire safety impacts? What*
5 *impacts are expected, including distances from the*
6 *nearest fire station? Chief Patenaude and*
7 *Fire Marshal Hughes were in attendance at every*
8 *meeting. They never raised any issues associated*
9 *with distances from the nearest fire stations. They*
10 *made recommendations that resulted in changes to the*
11 *plan.*

12 They wanted to provide greater access to the
13 multi-family units through the open space areas,
14 and that included design features to make sure that
15 access was there to the parking lots and from the
16 parking lots, but also requires certain minimum
17 road standards -- and those were described in the
18 testimony -- for access to buildings. And that
19 every building and every one of these alleys, at
20 some point, has to have the fire -- the required
21 20-foot width so that the fire truck can get to that
22 particular house.

23 You know, whether the alley is 12-foot wide
24 or greater than that, there's got to be a 20-foot

1 strip somewhere on some public or private road to
2 get a fire truck to that location. And that was a
3 requirement that they made. They indicated that
4 they were satisfied with all of the changes that
5 were made.

6 I'd also point out, and we've got some
7 written submissions to make as we proceed, but
8 five-and-a-half miles from a fire station actually
9 is pretty close, all things considered. National
10 fire standards, NFPA, and the insurance rating
11 systems that deal with systems from fire stations,
12 find that in suburban areas, anything less than ten
13 miles from a fire station is a very, very good
14 statistic.

15 *Will there be a buffer from existing adjacent*
16 *development?* Well, there's no zone in the town.
17 The most intense zone, and even the F-2 zone,
18 doesn't require anything more than a 30-foot side
19 yard from a building to a property line. The Cedar
20 Ridge development is very close to -- and it's a
21 compatible development density-wise -- is very close
22 to us.

23 Nevertheless, we have extensive, existing
24 vegetative buffer areas shown on our opening plans

1 sheet, which is Page 6 of 11 of the plan set, that
2 shows anywhere from 30 feet to 150 feet being
3 preserved for vegetative existing cover between
4 buildings of our development and buildings on
5 adjacent development. Some places it's a little
6 less than 30 feet. But, in all cases, a 50-foot
7 setback is observed from any building to the
8 property line.

9 And there's no zone in town, even the R-2
10 zone, that requires more than a 30-foot side yard.
11 So we're well in excess of that, at a minimum of 50,
12 and we're certainly well better than that having
13 between 30 and a 150 feet of vegetative cover that
14 we're, you know, we're showing on the open space
15 plan. The average of that cover is usually around
16 100, 100 feet that will be preserved.

17 *What assurances do we have that this*
18 *development will not increase in size in the future*
19 *to many times more than what is proposed?* In fact,
20 the comprehensive plan would call for that. We're
21 not seeking any more. And if anybody someday wants
22 any more, they'd have to start this project all over
23 again and show that there's a significant change of
24 circumstances.

1 You know, we're going to have covenants. We
2 can put deed restrictions on no further development
3 beyond this to try to satisfy those concerns. It's
4 certainly not our intention, in any way, to turn
5 around and try to get something more ambitious here.

6 *What will the traffic impacts be?* That was
7 already covered tonight by Mr. Clinton. I won't
8 read what I have here because, basically, it's just
9 a summary of what's there and in the staff report.
10 That a fully peer-reviewed traffic study finds very,
11 very acceptable traffic flows and site distances and
12 so forth in a manner of location that this project
13 has been designed and at nearby intersections.

14 *Will there be a light at the intersection of*
15 *Division Road and New London Turnpike?* The answer
16 to that is probably not. The Rhode Island Department
17 of Transportation could approve a traffic light, but
18 they only can do so if the traffic counts meet
19 certain warrants. And it can be a busy area, but
20 it's really got to be a very busy area and hit the
21 standards for a warrant. And if it does, the RIDOT
22 will put that on its list of priorities and actually
23 put a traffic light there.

24 We know that, in recent years, they've

1 completed some intersection improvements in that
2 intersection, but it has not been determined that
3 the intersection meets the warrants for a traffic
4 light. So we think it's unlikely to be a traffic
5 light there in the near future. But it's something
6 that everybody can continue to monitor. It's
7 something that's completely beyond our control,
8 certainly, and beyond the control of the Town
9 itself.

10 *Will there be sidewalks on Division Road?*

11 We're not proposing sidewalks. We have extensive
12 sidewalks within our community. We don't intend to
13 block people from walking in our community. We'd
14 like to find some amenities in our community center
15 that might be of benefit to people beyond the
16 immediate development.

17 You know, it's not a good road to walk on;
18 we agree with that. But sidewalks here wouldn't
19 be able to go anywhere. You know, there's no other
20 sidewalks in the area to connect with; and it would
21 just be a sidewalk to nowhere. And it's similar to
22 other developments in the area where each
23 development makes its best effort for walkability
24 internally, but they don't have sidewalks connecting

1 to each other.

2 One of the residents that was here last time
3 noted that he had brought the issue of creating
4 sidewalks to the council, to get sidewalks all the
5 way down to Main Road; and the Town responded that
6 that's a nonstarter; that the Town doesn't even have
7 jurisdiction or control over that issue because it's
8 a state, it's a state road.

9 *Will there be an archaeology study with*
10 *respect to the cemetery adjacent to the historic*
11 *area? The answer to that is yes. We've engaged*
12 *PAL, as I've described. They're working on that*
13 *study right now.*

14 *What happens if the proposed sewer connection*
15 *is denied?*

16 **STENOGRAPHER:** Is what?

17 **MR. LANDRY:** Is denied. *What*
18 *happens if the proposed sewer connection is denied?*
19 That question was asked before the sewer connection
20 was approved by the Town of Coventry. That happened
21 in January of this year, that sewer approval; so it
22 has not been denied. But if for some reason, you
23 know, that connection was not there, we would be
24 proposing a different project.

1 The densities in the comprehensive plan and
2 the densities that we're proposing certainly do
3 contemplate a sewer connection. That was one of the
4 assumptions of the comprehensive plan, that that
5 connection would be available when it designated
6 this site for high-density development. So we'd
7 have to do a different kind of project, if, for some
8 reason, we had not gotten this sewer connection
9 approval that we did get.

10 *How will drainage patterns be affected?*

11 Ms. Reilly really covered that issue. You can't
12 significantly change the velocity or volume of
13 existing drainage patterns. You've got to find some
14 way to keep the water on the site. That's an
15 intricate process, as Nicole described. It goes
16 through a very high-detailed process of scrutiny by
17 DEM before they will approve the stormwater
18 management program that has to involve no adverse
19 impacts being experienced by anybody off the
20 property.

21 *What numbers are you using to calculate the*
22 *information on what constitutes low or moderate*
23 *income? What are those income limits? And why was*
24 *Fall River information used? The HUD works through*

1 certain areas. They aggregate information for
2 things like market-rate rentals, and they have big
3 circles. And the one big circle that East Greenwich
4 falls in, for some of that data, particularly the
5 rental data, includes Providence, Fall River, all of
6 Rhode Island.

7 There's aggregated and adjusted information
8 that goes into determining what rents can be in
9 relation to a broader area. That's not something
10 that we came up with. But nobody was taking Fall
11 River rates. You know, you've got a number of
12 municipalities that are considered as part of this
13 region that provides certain baseline information
14 for those calculations.

15 The rental housing, the for sale housing is
16 based on median income in East Greenwich.
17 Rhode Island Housing has a calculation that looks at
18 that; they look at affordability rates, where people
19 shouldn't be paying more than a certain percentage
20 of their income on housing; and they look at
21 interest rates.

22 Now, every day you could go on a calculator
23 on the Rhode Island Housing website and find the
24 affordability calculator and put in the Town of East

1 Greenwich and put in single-family house and put in
2 condominium and put in the number of bedrooms; and
3 it will tell you what the median income is, what the
4 maximum rent could be, what the maximum sale price
5 can be, and how it changes as interest rates change.
6 And it's changed a lot within the last few months.
7 When you plug in the
8 15-year federal interest rates, that lowers the
9 affordability, lowers the price we can sell the unit
10 for; but that changes all the time.

11 We got an initial approval from Rhode Island
12 Housing based on what the information was at that
13 time. It changes; it goes up and comes down; it may
14 go up further. But what counts is that, at the time
15 the units are sold, whatever that calculation is,
16 the maximum price and income range that people have
17 to be in, that's what's going to control.

18 And we're required to designate a monitoring
19 agent that qualifies buyers and that makes those
20 calculations on an independent basis. They do it
21 for a fee, but it's usually an affordable housing
22 authority or an affordable housing entity,
23 nonprofit. We've designated one in our papers that
24 is active in that field throughout the state. And

1 these calculators are the best information the
2 federal and local governments have to determine
3 affordability and rental and sale prices. And
4 that's what will continue to be used.

5 For what it's worth, at the time our letter
6 of eligibility was issued by Rhode Island Housing in
7 2022, the maximum income for a one-bedroom
8 condominium unit to be considered affordable was
9 \$7,371 per month. It was \$83,040 a year for
10 two-bedroom condominiums. And \$7,783 a month for a
11 two-bedroom single-family and the same number per
12 month for a three-bedroom single-family. And \$9,342
13 a month for a four-bedroom single-family dwelling.
14 Those are the income limitations.

15 The maximum household income for a
16 one-bedroom rental unit was \$72,600. And the
17 maximum household rental for a two-bedroom unit was
18 \$83,040. Again, those are for the 25 percent of our
19 units that will be deed restricted permanently for
20 low and moderate income housing.

21 *In the comprehensive plan, did the Town base*
22 *the proposed density solely on lot area? I think I*
23 *already answered that. It was all those other*
24 *factors, wetlands, developability, availability of*

1 infrastructure. That's what drove the proposed
2 densities in the comprehensive plan on these special
3 designated sites.

4 *Is the developer required to adhere to the*
5 *neo-traditional neighborhood design reflected in the*
6 *project plans?* Absolutely. That's what we've
7 designed. That's how it's going to stay. There are
8 not going to be any prairie-building developers just
9 putting up different types of houses. We're going
10 to have homeowner association documents that have
11 architectural control, that require that those
12 standards of architecture be maintained perpetually
13 going forward. The homeowners association documents
14 will, ultimately, probably at the final stage of the
15 review process, have to be approved by the town
16 solicitor, and that's a routine part of the process.

17 Finally, I am going to respond to a couple of
18 requests that the Cedar Ridge Condominium
19 Association was suggesting as conditions of approval
20 of this project. And I want to say that we've tried
21 to cooperate with everybody at every level here, and
22 that will certainly be the case with the condominium
23 association. You know, we can't agree at this time
24 with everything they've asked for, but we can agree

1 to try to address the concerns that they've
2 identified.

3 And the first one had to do with some water
4 pressure issues that they're experiencing on the
5 east side of their development, which is going to
6 abut the west side of our development, in
7 particular, Pine Grove Lane and Oak Hill Court.
8 Some of the houses there have water pressure issues,
9 and they're asking for a condition that: Any unit
10 or house where there is a loss of three or more
11 pounds per square inch of pressure after
12 construction of our development, the Applicant will
13 install a water booster pump in the house at no cost
14 to the owner of the unit or house.

15 And our answer is the Applicant has already
16 received the required will-serve letter from
17 Kent County Water Authority based on detailed
18 hydraulic modeling that it will provide the required
19 volumes of water and pressure.

20 We do understand from the association that
21 certain of its condominium owners, particularly on
22 the east side of that development in West Greenwich,
23 have water pressure issues. It is unclear whether
24 those issues are internal to that development's

1 internal water pressurization program or some
2 external cause. The Applicant and its engineers
3 will work in good faith to assess this issue during
4 the actual engineering and design of the water
5 system for Division Road Neighborhood, that will
6 occur at the preliminary plan stage of the approval
7 process.

8 However, it cannot, at this time, agree to
9 install a water booster, at its expense, for any
10 condominium owner at Cedar Ridge that experiences a
11 decrease of three or more pounds per square inch of
12 pressure after construction of the Division Road
13 Neighborhood. Again, the reasons for the pressure
14 issues raised may have nothing to do with either
15 Kent County Water Authority or the Division Road
16 Neighborhood. Also a decrease of three pounds per
17 square inch or more of water pressure, does not
18 necessarily mean that water pressure does not remain
19 adequate.

20 The second condition was: That the sewer
21 line connection for the Division Road Neighborhood
22 shall not connect to the private sewer line of
23 Cedar Ridge Condominiums and shall not connect to
24 the West Warwick sewer system infrastructure in a

1 way that interferes with, impedes, or disrupts the
2 flow of effluent through the private sewer line of
3 the Cedar Ridge Condominiums.

4 And our answer is that the sewer system, for
5 the Division Road Neighborhood, will be engineered
6 and designed at the preliminary plan stage of this
7 process in a way that does not materially or
8 unreasonably adversely affect the flow of effluent
9 through the private sewer line of the Cedar Ridge
10 Condominiums. That would be an acceptable condition.
11 But we're not in a position to say that we'll never
12 connect to the private sewer line of the Cedar Ridge
13 Condominiums. That's not our plan at this time.

14 There is a private line there. The developer
15 of the Cedar Ridge Condominiums retained development
16 rights to provide easements for the use of that
17 line, and those are complicated legal prerogatives
18 that are not within the association's purview to
19 interfere with. Our preference, at this time, is
20 not to deal with that line but to have our own line
21 in one of the alternative locations that Nicole
22 Reilly identified. That's the way it was presented
23 to the Town of Coventry. It didn't say that there
24 would never be a connection from another location,

1 but that's not the way that we have designed this
2 for our own planning purposes.

3 The next question was, or the requested
4 condition was: That the Applicant shall conduct an
5 updated traffic study and submit a report reflecting
6 current conditions on Division Road and New London
7 Turnpike and pursue an approval for a redesigned
8 intersection at Division Road and New London
9 Turnpike to be a squared-off "T"-type intersection
10 to control the traffic light.

11 The answer is: Traffic impact issues related
12 to the proposed development have been set forth as
13 above. Again, neither the Applicant nor the Town
14 have any control over redesigns or traffic lights on
15 state roads. And I'll also note that, at the time
16 that question was asked, that was in June of 2022,
17 Mr. -- I'm sorry, Bob Clinton -- Mr. Clinton's
18 traffic study was done, was updated in October of
19 2022, and a peer review after that, which involved
20 a tremendous amount of additional data points.
21 so that updated traffic study has been conducted,
22 evaluated, and accepted by the Town's peer-review
23 engineer.

24 The next condition is: That a buffer of at

1 least 150 feet in width shall be established along
2 the common boundary line between the subject
3 property and Cedar Ridge Condominiums. The buffer
4 shall consist of the existing trees and vegetation
5 with no new plantings and shall be designed as a
6 non-disturbance/no-cut area.

7 You know, I've already addressed that above
8 when we described that we're showing we're going to
9 keep at least 50 feet away from the boundary line.
10 And where there's an existing buffer on our plan as
11 part of the open space plan, generally speaking,
12 it's a 100-foot buffer, which is significantly
13 higher than any buffer that's required in any other
14 zone. No matter how high their zone or how low
15 their zone, the maximum is 30 feet.

16 The Applicant -- the next condition requested
17 that: The Applicant shall pursue improved
18 electrical service along Division Road in an effort
19 to reduce power failures. And the answer is: The
20 power failures that apparently sometimes now occur
21 are, obviously, not caused by the Division Road
22 Neighborhood development. However, the Applicant
23 and its engineers will attempt, in good faith, to
24 determine if there is anything it can reasonably do

1 on its property during development, including
2 facilitating tree trimming, to reduce such events.
3 This is something of a mutual interest to both
4 developments.

5 Next condition requested is: That if any
6 blasting is necessary for construction on the
7 subject property, notice will be given to the
8 president of the Cedar Ridge Condominium Association
9 at least three days in advance of the blasting. Any
10 damage caused to the units/houses caused by any
11 blasting shall be repaired at the sole cost of the
12 Applicant/developer.

13 And the answer is: That the Applicant and
14 its contractor will observe all aspects of the state
15 required and supervised protocols for any blasting,
16 which includes pre-blasts surveys. And that's a
17 detailed process that requires anybody doing
18 blasting to survey existing houses in the area,
19 identify any conditions there, and also track any
20 potential impact that there might be. There's a
21 whole process that's set up for that.

22 And if for some reason any blasting that's
23 done by our contractors does cause damage, there is
24 a civil relief that's available for that. It's not

1 a zoning or planning issue. However, the president
2 of the Cedar Ridge development will also be given at
3 least three days' notice of any period of blasting.
4 Blasting is a matter governed by state authority and
5 law. We don't have to notify anybody, but we
6 absolutely feel it's a reasonable request.

7 If any wells -- last one, I think: If any
8 wells are located on the subject property for
9 irrigation of common areas, they will be located a
10 sufficient distance away from the common boundary
11 line with Cedar Ridge Condominiums so that they do
12 not adversely effect the flow of water from the
13 existing wells in the Cedar Ridge Condominiums,
14 which are located near the area of the common
15 boundary line.

16 And the answer is: During the
17 engineering/preliminary plan stage of this
18 development, the application will -- the Applicant
19 will reasonably determine and fix the location of
20 irrigation wells, if any, with due respect for
21 reverting adverse effects on existing irrigation
22 wells in the Cedar Ridge property that are in close
23 proximity to the Division Road Neighborhood.

24 So we've got to engineer the whole business

1 of where hydrants and wells are located. I don't
2 know, at this point, if there will be any irrigation
3 wells; and we do recognize that the development next
4 door apparently has some that are in close proximity
5 to us. We don't want to be competing with those
6 wells, if we have them. We have the same interest
7 in keeping a suitable distance and not having any of
8 those types of impacts.

9 And that concludes that Q & A. Thank you.

10 **CHAIRMAN LUPOVITZ:** Thank you,
11 Mr. Landry. So a comment at this point, which is we
12 appreciate your presentation. And I would like to
13 mention to the members in attendance this evening,
14 that the Applicant has a right to make a
15 presentation to the board and to the town; and
16 they've done so this evening, and it completes the
17 process as far as this stage of the development
18 hearing and the Planning Board's involvement goes.

19 So I'd like to extend apologies too, because
20 I thought we would have more time. But please
21 understand that we never know how long it's going to
22 take for an applicant to make a presentation like
23 this. And usually, at this point, the board takes
24 an opportunity to make comments and ask questions,

1 which I believe we have a number of those. And with
2 only ten minutes left for this evening's meeting,
3 I'm afraid that that's probably going to consume all
4 the time that we have left.

5 So what I want to do is, if we don't get to
6 anybody this evening, I want to thank you for your
7 participation and your interest; and I want to
8 encourage you to stay in the game and continue to
9 attend and listen and participate and contribute.
10 We're very interested in what the residents of the
11 town and anybody else has to say who has an interest
12 in this project.

13 So I just wanted you to know that, on behalf
14 of the board, we're sorry that we didn't get to
15 everybody this evening, but we do intend to do that.
16 And we hope that you will continue to be involved.

17 So with that said, I would open it up to the
18 board, with the few minutes that we have left here,
19 if you want to start. I don't think we will be able
20 to finish all the questions, but let's start with
21 something to use the time that we have left here.

22 **MR. YODER:** Yeah, I have a
23 question.

24 **CHAIRMAN LUPOVITZ:** Yes.

1 **MR. YODER:** Bob, I have a question
2 for, I think it's, Miss Reilly. When you were
3 talking about all the drainage and everything, kind
4 of moving from sort of northwest to southeast, then
5 collecting in the drainage ponds all along Division
6 and kind of along the south side of the development,
7 there is a larger pond kind of right at the opening
8 of the southern entrance to the development, and I
9 was just wondering what was done to sort of think
10 about any sort of adverse flooding or, as the
11 weather is changing and storms are making things
12 a little bit more interesting these days, just
13 is there any danger of that pond, where it's
14 situated -- because it looked like it was right
15 at the entrance to the development and also right
16 along Division, and with all of the drainage kind of
17 filtering towards that area -- is there any concern
18 there when you were kind of doing the engineering?

19 **MS. REILLY:** So that's a good
20 question. Each of the ponds is going to be designed
21 based upon the flow going to it. And all the
22 current DEM regulations are updated based on the
23 storm sequencing, that you had mentioned, does
24 change every few years. So we do get bizarre storms

1 every now and then. So that data has gone in
2 nationally and then updated locally. So the water
3 model will be currently based on what's been studied
4 as far as what's going into the ponds.

5 The ponds themselves, every few years, the
6 regulations change on how to construct them, how to
7 make sure that there's adequate free board or
8 extra capacity. So we would make sure that there's
9 a safety factor built into our design. And as the
10 ponds tie into each other, once our design gets
11 further along, it may be that pond may shrink down
12 to accommodate additional free board and safety
13 measures for, you know, kids playing in it, things
14 like that. We would definitely keep that in mind
15 and design it all together in sequence.

16 **MR. YODER:** Yeah, great. That one
17 looked like the main one.

18 **MS. REILLY:** Yes.

19 **MR. YODER:** Right at the most,
20 kind of, important intersection of the development.
21 So I was wondering if there was anything that was of
22 concerning for you. Thank you.

23 **MS. REILLY:** Yeah, we would
24 definitely study it and make sure that it's

1 adequately sized. And I think, in a perfect world,
2 it's such an important entrance, it would go away,
3 if Union had its choice, for aesthetic reasons. But
4 if we do have to have it, I will make sure that it's
5 designed adequately.

6 **MR. YODER:** Thank you.

7 **MS. WOOD:** Thank you. I have a
8 question, because I read -- I was not on the board
9 during the June meeting, so I read the transcript of
10 the hearing, and then I compared it with the answers
11 to the questions that you just went through,
12 Mr. Landry. And there was one question I feel like
13 that was not addressed, and it is just a general
14 question back in June. And it was, what happens if
15 you run out of money after this starts? So if you
16 start the project, and you're into it, and
17 unforeseen circumstances happens, like, what are
18 the contingencies? Where do we go with that?

19 **MR. LANDRY:** Well, it's really not
20 any different than any other project. There are a
21 number of phases on the phasing plan. We usually
22 would do infrastructure. And there was a
23 recommendation here, that we're still considering,
24 that the first phase include construction of both

1 entrances, down the back of the multi-family portion
2 of the project, and that the fire-suppression
3 equipment be installed as part of the first phase.

4 So that the basic infrastructure for the
5 whole development, the core of it, is constructed
6 early on. That would be, that would be a good idea.
7 And then, as you develop individual phases, you
8 build the infrastructure one phase at a time, you
9 know, often based on pre-sales.

10 There is a possibility, not likely, but
11 there's a possibility that the project doesn't get
12 built for the number of units that we intend. There
13 could be some cataclysmic market condition that
14 slows down the pace of construction. But we're not
15 any different than anybody else. You know, we've
16 got a very solid Applicant who has owned this
17 property for a long time. He's got a good business
18 plan.

19 On the biggest subdivision anywhere, there's
20 always the ability to bond private -- I'm sorry,
21 public infrastructure to make sure the public
22 improvements are made. But there really isn't a way
23 to make a developer build all of the houses that
24 he's proposing to build.

1 So I don't know how to answer that. I can
2 assure you, though, the way it's set up -- again, I
3 don't think this is going to happen, because over a
4 long period of time, we'll probably go through three
5 different market cycles here, and this project will
6 be built out like all the other projects.

7 But I can tell you that if, for some reason,
8 there are only 200 units here, a quarter of them
9 would be affordable units, and there wouldn't be --
10 building permits wouldn't continue to be issued if
11 we weren't doing what we're supposed to be doing and
12 meeting the covenants and conditions of our
13 approvals.

14 But I can't give you a different answer than
15 any other applicant standing here would give you,
16 that if somebody has a financial catastrophe, that
17 will have an impact on the market; and if the
18 catastrophe comes from a broader market, we won't be
19 the only ones that are having that problem. But we
20 don't -- we can't file a bond big enough to
21 guarantee that, if we don't build 410 houses, the
22 town will get the money. There's no real way to do
23 that.

24 **MS. WOOD:** I would just ask,

1 though, what about as you're building it, like, is
2 your plan to clear all 80 acres?

3 **MR. LANDRY:** Absolutely not.

4 **MS. WOOD:** So how would you --
5 just maybe explain a little bit, it would be helpful
6 to everyone --

7 **MR. LANDRY:** No, that's a good
8 question.

9 **MS. WOOD:** -- a little bit of the
10 concern around --

11 **MR. LANDRY:** No, that's a very
12 good question.

13 **MS. WOOD:** -- how do you do it in
14 phases.

15 **MR. LANDRY:** And that was in the
16 staff report, too. I know that it was. That at the
17 preliminary plan stage, we'll have to develop a more
18 definite phasing plan. And we don't want to have
19 the whole site cleared; we don't want to pay to have
20 the whole site cleared; and we don't want to be
21 selling these beautiful houses that look like they
22 are going up on the face of the moon.

23 So we have the same motivation the Town does
24 to not have -- and we are talking about preserving

1 this beautiful buffer that already exists on the
2 perimeter of the property. The phasing plan will
3 have to be such that clearing doesn't take place
4 unless absolutely necessary for an infrastructure
5 element or to build a particular phase. And that
6 you move as you go, and you preserve traffic safety.
7 But you don't clear-cut an entire site.

8 Now, I do know that people were not happy
9 about that project west of the high school. I can't
10 remember the name of it right now. But that was a
11 comp permit that came through this board, and there
12 was a lot of excavation that was done. Now, that's
13 a very small site, and there was a lot of intense
14 development there, and there weren't a lot of
15 options.

16 But we've got a lot more options than that
17 developer did. It's our intent to have a landscape
18 plan, a clearing plan, phase by phase, that's
19 approved by this board so that everybody knows what
20 stays and what goes. That's something we've done on
21 other projects. It's very successful.

22 **MS. WOOD:** Thank you.

23 **CHAIRMAN LUPOVITZ:** So along those
24 lines, Mr. Landry, there's some contradictory

1 comments made between -- on Waiver No. 12, you're
2 asking for a lot of leeway as far as the phases go,
3 not to be held to anything, sort of. And in your
4 Q & A, you made the comment about there's going to
5 be no more than 50 units per year developed.

6 **MR. LANDRY:** Right.

7 **CHAIRMAN LUPOVITZ:** So is it --
8 will you have -- do you want more time to develop a
9 more clear plan for phasing?

10 **MR. LANDRY:** Yes, yes. I think
11 the intent of that waiver request was not to be tied
12 down to something at a master plan level before
13 we've engineered the project. But I think we are
14 willing to be tied to a maximum number of units and
15 to -- you know, it might not -- and I also think
16 that was meant to say that our phases might not go
17 I, II, III, IV, V. I think what we've got in there
18 is Phase I(A) and Phase VI(B), or something, would
19 be the first phases to be built because they're next
20 to each other and that's the logical way of doing
21 it.

22 But we will think that through very well,
23 give you a phasing plan that has a number of units
24 that we have to live with in a sequence and clearing

1 protocol and all those things. I think that waiver
2 was kind of meant to protect us from having a master
3 plan that takes away -- that determines the
4 engineering for us. It's usually better done at
5 the preliminary plan stage when we know what the
6 grades are going to be and what the most efficient
7 way to build is.

8 **CHAIRMAN LUPOVITZ:** Okay. Sounds
9 good. Understood. We're out of time. I have a
10 question about the witnesses that you presented this
11 evening. Will they be here in attendance or
12 available at the next meeting, as there may be
13 some questions that would be directed towards them,
14 where it would provide some benefit to have them
15 available.

16 **MR. LANDRY:** Yeah, I -- we'll have
17 to. We will do that. They'll be here.

18 **CHAIRMAN LUPOVITZ:** Fair enough.
19 Yes.

20 **MR. TEITZ:** That's a good segue
21 into continuing this and when you anticipate doing
22 it. Are we just going to continue it to the next
23 meeting, two weeks hence, or is there -- or do you
24 want to continue it further out than that? Four

1 weeks? I mean, I just think you should decide
2 specifically so everybody can know what they want to
3 do.

4 **CHAIRMAN LUPOVITZ:** I assume that
5 at the next meeting, two weeks from now, we would
6 pick up where we're leaving off. Is there any
7 reason why that can't work?

8 **MR. RENNINGER:** No.

9 **CHAIRMAN LUPOVITZ:** No.

10 **MR. TEITZ:** Okay.

11 **CHAIRMAN LUPOVITZ:** So, yeah,
12 we're just going to resume and pick up at this point
13 and continue on.

14 And just, again, those folks who are in
15 attendance, it shouldn't take long after the
16 beginning of the next meeting for people to start
17 speaking. So we should be able to do that a lot
18 earlier in the meeting the next time.

19 **AUDIENCE:** What's the date on
20 that?

21 **MR. TEITZ:** May 3.

22 **AUDIENCE:** Okay.

23 **CHAIRMAN LUPOVITZ:** May 3.

24 **MR. TEITZ:** May 3 is the date it

1 would be continued to.

2 **CHAIRMAN LUPOVITZ:** We'll look
3 forward to everybody sharing their thoughts at that
4 time with us.

5 Is there anything else, Andy?

6 **MR. TEITZ:** Just a motion to that
7 effect, to continue the preliminary information
8 meeting until May 3.

9 **MR. YODER:** Motion to continue the
10 preliminary informational meeting to May 3.

11 **MR. RENNINGER:** Second.

12 **CHAIRMAN LUPOVITZ:** All those in
13 favor.

14 (VOICE VOTE/SHOW-OF-HANDS VOTE)

15 **CHAIRMAN LUPOVITZ:** With that, I
16 will move to adjourn.

17 **MR. YODER:** Second.

18 **CHAIRMAN LUPOVITZ:** All those in
19 favor.

20 (VOICE VOTE/SHOW-OF-HANDS VOTE)

21 **CHAIRMAN LUPOVITZ:** Thank you,
22 folks.

23
24 (APPLICATION HEARING ADJOURNED)

